

ADMINISTRATIVE REFORMS COMMISSION

Study Team on Promotion Policies,
Conduct Rules, Discipline & Morale.

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LETTER OF TRANSMITTAL

K.N. NAGARKATTI,
Chairman,
Study Team on Promotion Policies,
Conduct Rules, Discipline & Morale,

New Delhi,
December 13, 1967

Dear Shri Hanumanthaiya,

I have much pleasure in forwarding the Report of our Study Team to you.

Our recommendations arise from conclusions regarding areas in which the functioning of our civil services needs to be made less rigid and more dynamic than hitherto if it is to give the correct lead to the country in emerging from a dragging economy to a prospering one. In regard to the formulation of policies the leadership rests no doubt with the political executives. But the lead given by the political executives will fail if the civil services cannot match it with their own lead in implementing the policies. The short fall in our Plan achievements is, in a regrettable measure, due to the inability of the civil services to put in their best effort collectively. There is not enough of "esprit de corps" or of the team spirit and this again is due to the inability of the top civil servants to rally the rank and file around them in an effective manner.

In a large measure the structure of the civil services, which has remained very much of the same pattern as when we took over the administration from the British, is responsible for these deficiencies.

This structure has perpetuated features which fitted in with British interests and with the British ideas of the 'elite' services, but which are a misfit in the present set-up.

We have not been unaware of some errors in the political leadership which had an adverse effect on the functioning of the civil services. To begin with, our Constitution makers gave the civil servants, (whether by over-sight or whether in a mood of generosity, it is difficult to say) an unprecedented measure of protection the exploitation of which has come to be a major problem today. Next, it was not foreseen that the new contacts which started in 1947 between political executives and civil servants in their joint work of building up the new order would slip into undesirable channels in the absence of suitable curbs on the former.

We have put forward recommendations for remedying these deficiencies. Some of them are controversial and will need a bold lead from the Administrative Reforms Commission. Some are not controversial, but require sustained and prolonged effort without which the recommendations would find their way soon to dusty shelves. The implementation of recommendations (of course, such of those as are eventually accepted by the Governments at the Centre and in the States) is, therefore likely to be a mighty job in itself. Our Study Team members have all felt, therefore, that the Administrative Reforms Commission may itself lay down lines in detail for this work of implementation.

In every aspect of the work of our Study Team we have received commendable assistance and willing cooperation from our Secretary, Shri N. Chidambaram. We are deeply thankful to him.

We received valuable help from Dr. S.C. Seth, Private Secretary to Shri V. Shankar, Member, Administrative Reforms Commission; a couple of our major recommendations are based on his suggestions. We place on record our thanks to him also.

Finally, we place on record our thanks and our deep appreciation of the help rendered by the staff in the Administrative Reforms Commission; and in particular, we have pleasure in making a special mention of Shri C.M. Nayyar, Personal Assistant to Shri N. Chidambaram, who did the major work of getting the various papers ready, typed and filed.

With kind regards,

Yours sincerely,

Sd/-

K.N. Nagarkatti

Shri K. Hanumanthaiya, M.P.,
Chairman,
Administrative Reforms Commission,
New Delhi

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CHAPTER I

TERMS OF REFERENCE, SCOPE OF ENQUIRY AND
METHODOLOGY.

CHAPTER I

TERMS OF REFERENCE, SCOPE OF ENQUIRY AND METHODOLOGY

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CONSTITUTION OF THE STUDY TEAM

1.1 The Study Team on Promotion Policies, Conduct Rules, Discipline and Morale in public services was first constituted by the Administrative Reforms Commission on the 16th June 1966 and at the time of the signing of this Report constituted of the following:-

- | | | |
|--|-----|------------|
| (1) Shri K.N. Nagarkatti,
Indian Civil Service (Retired),
Industrialist, Bangalore. | ... | Chairman. |
| (2) Shri R.S. Khandekar,
Member of Parliament,
Gwalior. | .. | Member. |
| (3) Shri R.S. Gae,
Secretary to the Government
of India,
Ministry of Law,
New Delhi. | .. | Member. |
| (4) Shri R.L. Gupta,
Indian Civil Service (Retired),
Principal,
Administrative Staff College,
Hyderabad
(Till January, 1967). | .. | Member. |
| (5) Dr. M.S. Patel,
Consulting Chemical Engineer,
Bombay. | .. | Member. |
| (6) Shri Dharam Yash Dev,
Journalist,
New Delhi.
(from July, 1966). | .. | Member. |
| (7) Shri N. Chidambaram,
Deputy Secretary,
Administrative Reforms Commission,
New Delhi. | .. | Secretary. |

TERMS OF REFERENCE AND SCOPE OF ENQUIRY

1.2 The Team was directed to make a study in the field of personnel administration, of the subjects, namely, promotion policies, incentives, policies and rules governing conduct and discipline to ensure

efficiency, honesty and maintenance of morale. Under the subjects of 'Morale' and 'Incentives', the Study Team had, inter alia, to include in the scope of its study such diverse subjects as amenities and fringe benefits to staff, retirement benefits, work simplification, etc., being inter-related.

1.3 The Study Team was required to ascertain facts, locate the principle problem areas and examine and suggest solution to the problems, for the Commission's consideration.

1.4 The Study Team had several sittings at Delhi, Hyderabad, Bangalore, Trivandrum and Bombay - to discuss the various problems pertaining to the subjects assigned to it.

METHODOLO

In addition, the Chairman and Members of the Study Team visited several States and institutions, severally and also in groups, had discussions with the Chairman and Members of the Administrative Reforms Commission, the officers of the Central and State Governments, the officers of Public Sector Undertakings, prominent members of the public, representatives of various Staff Associations and Union, and individual Government servants.

The Study Team also obtained the necessary information from such of the States which they

could not visit.

Particulars of the meetings of the Study Team and visits to the States by the Chairman and Members are given in Annexure I.

1.5 The suggestions contained in the various representations, memoranda and communications on the subject received from members of the public, the Central and the State Government officials, Unions and Associations and the documents, records, evidence and information collected by other related Study Teams of the Administrative Reforms Commission were also available to the Team and the various points contained therein were taken note of.

1.6 As the subjects falling under the Personnel Administration had been divided among three other Study Teams, the Study Team on Recruitment, Selection, Union Public Service Commission/State Public Service Commissions and Training, the Study Team on Personnel Planning, Staffing of Public Sector Undertakings and Personnel Management, and the Study Team on Administrative Tribunals, the areas of study overlapped in some areas. In the meetings with the Chairman and Members of the Commission, it was made clear to all the Chairmen of the Teams that the recommendations of the different Study Teams in overlapping areas could not and need not necessarily be unanimous

and the Study Teams were free to give their views from their different angles. Nevertheless, the Chairmen of the Study Teams concerned with the allied subjects met together to exchange their ideas on the overlapping areas. This Study Team had four such meetings, two at Delhi and one each at Calcutta and Bangalore. Besides, the Secretary of the Study Team attended several meetings of the Study Team on Recruitment, Selection, UPSC/State PSCs and Training, and of the Study Team on Personnel Planning, Staffing of Public Sector Undertakings and Personnel Management, both when they considered their working papers and when they recorded the evidence of eminent persons in public as well as official life. The Study Team had the benefit of the valuable information and views gathered during these meetings. The Team had also considerably benefited from a study of the Reports of the Administrative Reforms Committees of Rajasthan, Andhra Pradesh and Kerala.

1.7 Apart from following the conventional methods of investigation in vogue in the Government, the Team had supplemented its data by going into a detailed study of the available academic and institutional literature on the problems of personnel management in the field

of Public Administration. The Team had also benefitted from the literature and official documents available giving the practices and procedures bearing on the terms of reference of our Study Team, as followed in the various foreign countries of the East and the West e.g., the United Kingdom, the U.S.A., Canada, France, U.S.S.R., Australia, New Zealand and Japan.

The Team had the benefit of consultation with some of the faculty members and research staff of the institutions like the Indian Institute of Public Administration, National Council of Educational Research and Training who gave many valuable suggestions.

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CHAPTER II

PERSONNEL SYSTEM TODAY: STRENGTH AND WEAKNESS.

CHAPTER II

PERSONNEL SYSTEM TODAY : STRENGTH AND WEAKNESS

INTRODUCTION

2.1.1. The present structure of the services is intimately connected with the subjects of our study and hence a detailed discussion of it is taken up here.

BASIC CONCEPTS

2.1.2. A 'Service' denotes a group of civil servants having common recruitment conditions and prospects, and a 'career' is an acceptable life-time employment under the Government. All Government servants are either members of a 'Service' or they hold posts classified generally into four classes, Class I, Class II, Class III and Class IV services or posts. The jobs are divided vertically according to nature of their duties, general administration, technical or professional, of various kinds like Accounts, Income-tax, Agriculture, and horizontally according to levels of competence required to carry out these duties, like peons, clerks, operators, assistants, supervisors, inspectors, assistant engineers, etc. Appropriate groups of posts are made available to appropriate Government servants or 'Services;' for example, posts of Secretaries to Government, posts in the Indian Audit & Accounts Service, the Indian Revenue Service, the Central

Engineering Services, and the State Engineering Services, etc. Certain posts under Government may not be grouped to be manned exclusively by a particular 'Service' and may remain as isolated posts or groups of posts. While the 'Services' for manning the posts at the Centre and in the States are generally separate, some posts in the States and at the Centre are filled by members belonging to some common 'Services' called the All India Services, viz., the Indian Administrative Service, the Indian Police Service.

2.1.3. During the British rule, the top 'Services' comprised of a group of 'All India' and 'Imperial' services, consisting largely of British elements. The most important All India Service was the Indian Civil Service for general administration. The other services, like the Indian Agricultural, Educational, Engineering, Medical and Police Services, etc. were specialist or technical services and provided a career parallel to that of the Indian Civil Service. The Indian Civil Service was primarily operating in the districts, the geographic administrative units of the Provinces and this constituted the bulk of its employment. The generalist superior posts in the Provincial and the Central Secretariats were all manned

HISTORICAL
DEVELOPMENT
OF THE
SERVICE
PATTERNS

by this Service, but such posts constituted, at first, a minor proportion of the total. Both the generalist and specialist All India Services were supported in the Provinces by the corresponding generalist and specialist Provincial Services which were given a somewhat lower position in the scale of importance, and in the Central Secretariat by the Imperial Secretariat Service. There were at the Centre the Imperial Services such as the Imperial Customs Service, the Telegraph Engineering Service, etc. At the Centre and the Provinces there was and continues to be a number of staff then designated as the 'inferior' services and now called the Class IV officers below the clerical level for doing the mechanical work of carrying papers, records, etc. and doing other odd jobs.

Subsequently, in the 'twenties, the recruitment to All India technical services was gradually discontinued and the services themselves virtually disappeared from the scene in course of time. The majority of their functions was taken over by the Provincial Services and the rest by the Central Services both in Class I and Class II. The Imperial Services were suitably renamed and continued but without any major changes in their structure. After independence recruitment to the Indian Civil Service was replaced by

recruitment to the Indian Administrative Service. Section 2A of the All India Services Act, 1951, empowers the Central Government to constitute by notification, additional All-India Services, e.g., the Indian Service of Engineers, the Indian Forest Service and the Indian Medical and Health Service. This goes to show that some of the old 'All India' and 'Imperial' services which were abolished after the independence have been again revived with a view to maintaining a uniform standard of technical efficiency and ensuring national integration. The system of having the levels, viz., the policy formulating and managing level; middle management level and clerical level, and the Class IV services to do the odd manual jobs, has continued in essence, after Independence both at the Centre and the States, in the general, administrative, and technical fields. The expansion of the Government activities has necessitated the expansion of the existing Services and creation of new Services but the new Services have followed the same pattern of the existing Services in the matter of levels. The pre-independence structure of the Services has thus been continued even today but with minor changes.

IMILARITY
ITH THE
.K. SYSTEM

2.1.4. This structure is similar to the system in the United Kingdom of having the Administrative, Executive and Clerical classes, but it differs from the U.K. set-up in several respects. The three levels in the U.K. system are related to the three distinct levels of educational requirements of the candidates and the educational system there corresponds to these requirements. But here though the minimum educational qualification required for the clerks is generally a pass in the matriculation, for posts in the clerical level in certain departments (e.g., the Audit Department) a higher educational qualification is prescribed. Further, even where the minimum educational qualification for the clerical appointments may not be a pass in a degree course, graduates and even post-graduates apply and are selected for these appointments. The existence of educationally over-qualified persons, such as graduates and post-graduates in clerical services, leads to discontent because the minimum educational qualification required for the higher Services is also a pass in the degree course of a University. It gives rise to a feeling among them that their higher educational qualification has not been adequately recognised and remunerated. While the British Administrative class is not essentially a field service, the Indian Administrative and the majority of the other Class I

services are primarily intended to be field services. In the U.K. while the Executive and Clerical classes have long pay scales for their career grades, the Administrative class has in comparison a much shorter scale for its career grade. On the contrary, there is not much difference between the length of the pay scales of our superior services and that of the lower services for their career grades, as explained in Chapter III.

2.1.5. The classification of the services and posts into the four classes, I, II, III and IV, or their equivalents is on the basis of status attached to them. It does not follow an occupational terminology, and, as the Second Pay Commission in its report remarked:

CLASSIFICATION
OF THE SERVICES

"with the possible exception of two or three neighbouring countries, this kind of classification is peculiar to India."

The genesis of this kind of classification can be traced to the British rule in India. Until the Islington Commission (1912-15), the Government officers were classified into superior, subordinate and inferior services. The Islington Commission, however, made the first departure by a recommendation that where there was a large body of work not

sufficiently important to be entrusted to officers of the Imperial Services but yet of a kind which could not be performed by a subordinate agency, there should be over and above the subordinate services, two services, or two classes of one service, to be described as Class I and Class II. But the nomenclature Class I and Class II came into use only about 1926. This position continued until India got independence.

The first post-independence development in the field of classification came from the recommendations of the First Central Pay Commission of 1946-47 known as the Varadachariar Commission. This Commission introduced the terms Class III and Class IV as substitutes of the then existing description of the lower services as 'subordinate' and 'inferior'. This Commission was doubtful if such a fourfold classification was the correct manner in which public services should be classified. However, it advised its retention with the following comments:

"Even under any new constitution that may come into existence, it is not unlikely that appointments to the higher posts will be made by higher authority, while appointments to the ranks will be made by subordinate authorities under some kind of delegated power. This differentiation cannot, therefore, be regarded as something objectionable in itself. In the statutory rules as they now stand; this classification is as already stated, linked up with

differences in privileges in respect of disciplinary action, right of appeal, etc., and it will not be worthwhile disturbing the scheme by altering the classification unless - and except to the extent to which - a change seem necessary."

Today the civil servant gets classified in many different ways, first by Service-wise grouping; secondly by classification into four classes, thirdly by division into gazetted and non-gazetted categories and fourthly by their pay scales. Broadly speaking, the class in which a Service or post is to be placed is determined by the rate of pay it carries; and the general pattern at the Centre is as follows:

Central Adminis- tration in India.	Under British Rule Service Stratifi- cation.	Post-inde- pendence Service- wise grouping.	Class-wise Classifi- cation.	Max. of pay scale and Class placement today.	Ranking
Officers	Secretary of State and Imperial Services	All-India Services and Central Services	Class I Services & Posts	Rs 950 and above Class I	Gazetted
	Subordi- nate Services		Class II Services & Posts	Rs 576 to Rs 949 Class II	Gazetted but some class II posts non- gazetted.
			Class III Services & Posts	Rs 111 to Rs 575 Class III	Non-gazetted
	Inferior Services		Class IV Services & Posts	Not exceeding Rs 110 Class IV	Non-gazetted

Unlike the position classification system, this classification concentrates little on the "work" aspect of the Personnel Administration. On the contrary, it serves to preserve and complicate the anomalies of pay and promotion, as also of the class differences. Explaining the peculiarities of the classification pattern by which the class in which a service or post is to be placed in terms of the rate of pay it carries, the Second Pay Commission observed, that even this pattern is not free of many inconsistencies. Illustrating this point they observed:

"Exceptions are permissible, but only with the concurrence of the Ministries of Home Affairs and Finance; and some exceptions have actually been made. While they may have given some satisfaction to the services which have been placed in a class above that to which their pay entitles them, the exceptions have caused heart-burning among those in the same pay range who have not been so elevated. Some of the exceptions are Section Officers (Grade II) and the Assistants in the Central Secretariat, who though on the scales Rs 530-800 and Rs 160-10-300-15-450 have been placed in Class I and Class II respectively; some other examples are Postmen and Linemen in the Posts and Telegraphs Department, and Notice Servers in the Income-tax Department, who though on the scale Rs 35-1-50 have been placed in Class III."

Thus while Class I and Class II services and posts are generally gazetted and the rest non-gazetted, some non-gazetted posts and services also fall in Class II service.

2.1.6. The Second Pay Commission, it must be said, did point out some of the undesirable effects of the class differences although they stated that, it was beyond their terms of reference to judge, "whether these differences are justified".

THE USE OF THE
CLASSIFICATION

Referring to how the Indian classification has been put to use, they observed that:

"Until a few years ago, there were differences between one Class and another in respect of several conditions of service, and the difference as between Class IV and the other classes were particularly marked - extending to rates of pension and gratuity, qualifying service for pension, medical benefits and leave entitlements. With progressive liberalisation of conditions of service of the lower classes of employees, the differences in regard to leave, retirement benefits, etc., have virtually disappeared and if a few minor differences still exist, they are not all favourable to the higher classes; for instance, Class IV staff have more generous leave travel concessions, and a considerable proportion of them have a higher age of superannuation. In respect of certain other conditions of service, and of recruitment, differences still exist, and they are mentioned below:

- "(i) while all first appointments to Class I Services/Posts are made by the President, lower authorities are empowered to make such appointments in other cases;
- "(ii) all posts in Class I and the bulk of the posts in Class II are 'gazetted', but others are not;
- "(iii) the President is the disciplinary authority for Class I, and the appellate authority for Class II;

the disciplinary and appellate authorities for Class III and Class IV are mostly heads of Departments or officers working under them; and

"(iv) while direct recruitment to all Class I and Class II Services/ Posts is made in consultation with the Union Public Service Commission (unless any are specifically excluded), there is no such general rule in regard to Class III and Class IV Services."

GAZETTED AND
NON-GAZETTED
STAFF

2.1.7. The Gazetted Officers enjoy certain rights and privileges and have certain obligations and disabilities distinguishing them from the non-gazetted staff. For example, events in the career of a gazetted employee such as the transfers, postings, grant of leave, etc. are published in the Official Gazette; a gazetted officer can attest a document; his pay and allowances are drawn on separate forms, and are accounted for under separate headings; his leave account, history of services, etc. are maintained separately; the scale of office accommodation, office furniture, and other facilities for work allowed to him are generally on a higher scale. Gazetted officers are not generally eligible for overtime allowance for work done beyond the normal working hours.

In the matter of applicability of certain rules and regulations also, a distinction is made on the basis of the four-fold division; for example, in the conduct rules and the rules regarding the

constitution of machinery for joint consultations, etc. separate stipulations have been made for different classes of services and posts. Similar distinctions exist in the State services also.

2.1.8. In view of the fact that such a classification while not serving any significant purpose promotes class consciousness, the Second Pay Commission recommended its abolition. We agree with this view of the Second Pay Commission. We also feel that there is no need to classify the posts and services as 'gazetted' and 'non-gazetted'. If these distinctions are abolished the rules and regulations built around the present classification for purposes of management of the services/posts can be provided for by other administrative means. For example, the appointing, punishing and appellate authorities can be prescribed on the basis of the levels of the pay or the nomenclature of the posts/services. Many of the functions at present performed by the Audit Offices in respect of the 'gazetted' posts and services, such as the maintenance of leave accounts, issue of pay slips, etc., may as well be performed by the respective administrative authorities. Thus, the abolition of the four classes and of the distinction as gazetted and non-gazetted categories will not thus present any management difficulty. On the contrary,

THE DIS-
ADVANTAGES
OF THE
PRESENT
SYSTEM

it will greatly simplify personnel management and conducive to greater contentment among the civil servants.

THE RETENTION
OF THE SPECIAL
OBLIGATIONS OF
GAZETTED STAFF

2.1.9. It is not our intention and it does not also necessarily follow that the abolition of the classes and of the distinction between gazetted and non-gazetted civil servants should lead to any lessening of the special responsibilities and obligations cast on the present gazetted category. The alternative administrative measures that will be taken to carry out our recommendation should ensure the performance, as at present, of such special duties and obligations by the corresponding category of officials in the new set-up. For example, it may be provided that certain categories of officials who are not at present eligible for overtime allowance will continue in the new set up to draw no such allowance. Similarly they may be required to show a sense of greater responsibility in their work than that expected of certain other categories of officials, etc.

RECOMMENDATION
FOR ACTION (1)

2.1.10. We recommend that the system of classification of the posts and services into four classes viz. I, II, III and IV or their equivalents, and into the 'Gazetted' and 'Non-gazetted' categories should be abolished. The existing rules and regulations based on these divisions should be suitably amended or replaced by alternative provisions which will achieve the purpose served by these rules and regulations.

2.2.1. The recruitment procedures for the higher Services have an important bearing on promotion policies. The traditional method adopted for recruitment to the Services has been the competitive examination with written and viva voce tests. For the higher non-technical Services a combined competitive examination is held. For recruitment to the various technical Services a similar procedure is adopted. The direct recruitment by competitive examination especially to the Class 1 Services is envisaged with the idea that very brilliant persons taken between the ages of 20 and 24 or 25 years can by the time they are about 30 be shaped after working in the field, into very efficient officials suitable for holding senior positions. The most efficient and energetic period of a person's life between 30 and 50 years is thus available to the department.

INITIAL
RECRUITMENT
TO THE HIGHER
SERVICES THEN
AND NOW.

The basic ingredients of this system are, therefore, (i) selection of really brilliant young people, (ii) an intensive training for two years, (iii) actual work in the field for at least a period of five to seven years during which they will be fully moulded to suit the needs of the organisation they are serving.

In the past the calibre of the direct recruits was ensured by their success in a severe

All India competition in which a small number usually less than one per cent of the competitors were selected. It should also be said to their credit that they took their training seriously, usually passed all the departmental examinations in the first attempt and by the time they were to be posted to the field they had a thorough knowledge of the rules and regulations that formed part of the outfit for their assignment.

In the field during their initial stay which was not less than a period of five years they gained experience which was very basic to their future career. They were enterprising and went boldly even out of the way keeping to the spirit of the rules rather than to the letter which an official promoted from the ranks was hesitant to do. All these made the direct recruit an essential part of the administration and accepted as such by one and all.

But after Independence the picture has changed to a great extent. With abnormal increase of governmental activities, a large number of officers is now required. At present, the total number of persons annually recruited by the Union Public Service Commission for the higher non-technical services through the

combined competitive examination for the Centre has risen to a figure in the neighbourhood of 400. More than 5000 competitors sit for the examination which is held simultaneously in several centres. The number of direct recruits taken through the competitive examinations forms in comparison with the past a fairly high percentage in spite of the larger numbers now competing in the examination. Thus the competition is now less severe than before. Though there may be some exceptions, the majority of the 5000 applicants to the competitive examination is from those who would probably on the basis of their performance in their pre-university courses have been ineligible for admission to technical and professional degree courses the intake to which is limited.

While this is the position in the case of non-technical services, in the competitive examination for technical services, the number of candidates coming upto the minimum standards is not adequate to fill the vacancies with the result the examination has become more of a qualifying than a competitive one. The attainment of many of the successful candidates is not high in general knowledge and even in the basic technical subjects. This is mostly due to the fact that the better candidates are attracted to the private

service where the really able are taken at much higher emoluments. The result is that both in the technical and non-technical services a majority of the selected candidates is of below average ability.

In the training that follows the recruitment through the open competitive examination, those who are not able to give a good account of themselves are given additional chances to pass the departmental tests by relaxing the prescribed conditions. A sympathetic view is taken of their failure to come up to the standard. This is evident from the fact that very few get rejected during the probation period. Thus a poor recruit who, after a training in which he has not been able to acquit himself creditably, is brought to the field after the end of two years, does not develop much confidence in himself. This is the reason why very often a directly recruited officer of average abilities leans during his field duties heavily on the experienced subordinates immediately below him for the performance of his work. The situation is taken advantage of by certain unscrupulous subordinates who flatter him and try to get things done in their own way.

Due to shortage of officers a young direct recruit gets now promoted within two or three years as against a minimum average of five to seven years which the earlier recruits had to put in before the first promotion. Thus many young officers get promoted to a senior position before they are equal to it. This rapid promotion of persons with limited experience to responsible posts creates a situation in which the experienced subordinates who bear the main brunt of the daily work feel that their comparatively long experience is not given adequate recognition. The result is that the department does not get the best even out of these promoted officers.

2.2.2. In the past certain shortcomings in the recruitment system were not felt in the then prevailing administrative and political context. But in the present conditions they can no longer be ignored except at the risk of inviting a serious administrative set-back to the efficiency of the services and causing harm to the morale. The written examination for the non-technical higher services includes optional and compulsory papers requiring answers of a free response type on a variety of subjects ranging from social, physical and natural sciences, arts, humanities, law, literature, foreign and Indian languages - modern and classical - and general knowledge. Selection based on assessment of papers

SHORTCOMINGS
OF THE SYSTEM
OF RECRUITMENT
EXAMINATION.

on different academic subjects poses difficult problems in evaluation of comparative merits. Firstly, though it is stated that the standards of these papers will be those of an Honours Degree of Indian Universities, there is no precise yardstick for measuring the uniformity in the standards of question papers on different subjects and of different Universities. Secondly, comparative evaluation of answers to a question paper, say, in Chemistry with a paper in British Economic History, or one in Statistics with a paper in English Language and Literature is extremely difficult. Even though the Public Service Commission adopts some methods for comparative assessment of papers of candidates by different examinations on the same subject, the same method cannot apply for comparative assessment of answer papers on different subjects. Thirdly, even a uniform standard of evaluation of answer papers on the same subject by different examiners cannot be brought about in a precise way. Fourthly, in practical terms, success in a competitive examination is more or less akin to success in a gambling game. In recent years, the papers for the University examinations have tended to put a premium on the students' ability to

memorise rather than on his capacity to understand the principles of the subjects taught. It is a common sight to see students memorising answers to a score of questions and appearing at the examinations in the hope of seeing enough of these questions finding a place in the question papers. These then are the candidates who appear for the competitive examination for the services. The examination for recruitment to the higher Services is not much different from the University examination. Thus the method of achieving a fairly precise assessment of the comparative merits of candidates on the basis of an evaluation of answer papers by different examiners on different subjects is beset with many uncertain factors.

Another important criticism about the methods of recruitment to non-technical services is that it operates in favour of persons with certain social background. The majority of the candidates for the competitive examinations are generally those who have graduated in Arts, Humanities, Law and Sciences. University education being comparatively costly, many of the competitors generally are from well-to-do upper middle class families. Quite a few of them are post-graduates and hold degrees in more than one subject, being from those who continue their education in Universities perhaps finding themselves at a loose-end at the end of each graduation course which does not

THE BLAS
TOWARDS GENERAL
SUBJECTS

equip them with a specific skill in a trade or profession. The system of competitive examination adopted at present thus gives some advantage to these candidates over those who on account of their comparatively poor means, restricted family and social circumstances, such as coming from rural areas and working class families, etc. are unable to have a costly and prolonged University education in a congenial atmosphere. As the candidate's ranking in the examination is on the basis of marks scored and as his final allotment to the various Services is determined by the ranking, a difference of 10 marks in a total of more than 1000 marks, though inconsequential, makes all the difference whether a candidate gets finally recruited to the IAS or some other Service or to none at all depending on the aggregate marks scored by him. Thus, the importance attached to the marks secured in the examination is out of all proportion to the difference in the marks involved even though such a small difference cannot in the circumstances explained above be taken as precise measure of the comparative abilities of the candidates.

SOCIOLOGICAL
IMPLICATIONS
OF VIVA-VOCE
TESTS.

The present recruitment system works in such a way that a decisive part is played in the final ranking by the marks gained in the viva voce test by a candidate. The weight attached to impressions gathered at brief interviews and the grant of marks

on the basis of this impression give rise to a criticism that the interview procedures may give undue advantage to candidates from the upper social strata, because of the subjective nature of the interviews and the likelihood of the social attitude and prejudices of the interviewers colouring the assessment. A social bias in the educational system and in the family background may thus tend to get reflected in the managerial classes of the Services. In fact a study made of the representation in the higher Services of various sections of society confirms the view that the socio-economic handicaps or advantages arising out of the family background of the successful candidates play not an insignificant role in their final success at the competitive examination. (The relatives of higher civil servants constitute a high percentage of the entrants to the top ranking services like the IAS and IFS - See Annexure II). No doubt, many refinements have been introduced in the recruitment examination, such as the introduction of additional papers for the IAS and IFS, the top ranking services, and restriction in the number of chances for appearance for a particular service, etc., but as these do not, by their very nature, counteract the inherent shortcomings of the system or nullify their effects, they do not constitute the answer to these deficiencies. It may be stated that the additional papers

prescribed for the IAS and IFS mean only that the candidates have to offer two more optional subjects and the choice of subjects will not be much of a problem for one who is a double degree holder or who makes more than one attempt.

REGIONAL
LANGUAGES IN
RECRUITMENT

It may incidentally be mentioned that the recent decision of the Government to permit the use of all the languages mentioned in the Eighth Schedule of the Constitution for the competitive examinations for recruitment to be held by the UPSC will add to the difficulties of comparative assessment of a candidate's ability and his latent potentiality for growth on the basis of the rank in these examinations.

In the case of the higher technical services, about half of the total marks assigned to the competitive examination relates to the written papers on the technical subjects concerned. To this extent, the competitive examination for technical services may be said to test the knowledge of the candidates on the professional subjects, but it is not in other respects free of the shortcomings of the examination for non-technical services, pointed out above:

SUGGESTIONS
FOR IMPROVE-
MENT.

2.2.3. A different method of recruitment of personnel to the higher Services is, therefore, called for. The Study Team on Recruitment, Selection, UPSC/State PSCs and Training has recommended recruitment to 25% of the vacancies in the All India

and Central Services, Class I (Non-technical) by a method comparable to the Method II type of examination for the Administrative Class in the United Kingdom. That Study Team has also referred to a scheme of having a common competitive examination for the higher Services. In regard to this suggestion it has been proposed in that scheme that the scales of pay applicable to the junior and senior scales for the Central Services (Non-technical) Class I and the Indian Police Services should be the same and should be very nearly close to those for the Indian Administrative Service and the Indian Foreign Service.

While we agree with the suggestion of having a common competitive examination for the higher Services, our suggestion would be that the junior and senior scales of pay applicable to all the Central Class I Services both technical and non-technical including the Indian Administrative Service and the Indian Foreign Service may be the same. As a consequential step, the posts should suitably be recategorised and allocated to the revised senior scale in each Service and direct recruitment should be made only for the prescribed quota of the recategorised posts in the senior scale through the combined competitive examination, as in the case of the IAS and IFS.

The common examination for recruitment to all the non-technical Services should be devised to test the candidate's real intelligence and ability

COMMON PAY
SCALES

COMMON EXAMI-
NATION FOR
NON-TECHNICAL
HIGHER
SERVICES

instead of only his memory power. Till the recruitment to the entire direct recruitment quota is replaced by a better system of examination on scientific lines such as aptitude tests, psychometric methods etc., the present recruitment examination should, therefore, be modified to give more weightage to the 'common sense' factors of the candidates, that is, to their general knowledge and their appreciation of present day trends. We suggest that the maximum marks for the compulsory subjects may be raised from 450 to, say, 700 and that the maximum marks for the viva voce examination may be 200, the same for all candidates. Further, the candidates should be required to offer optional subjects for the total aggregate marks, say, of 800. There should be no bar to candidates who have graduated in professional subjects such as Engineering, Chemical Technology, Law, Textile Technology, Accountancy, Medicine, Agriculture, Architecture, etc. from taking the examination. For them papers on these subjects should be included. To enable such candidates from competing in the examination the upper age limit should be raised to 28. Further, successful technical men should be given two years' seniority (or weightage) over the others to compensate for the longer period spent by them at the universities. We feel that the maximum age for entry into Government Service should in due course of time be fixed as high as possible.

AGE LIMIT

Ultimately, there need only be a minimum age limit for entry and the age for compulsory retirement. We envisage that beyond these restrictions in regard to age, no further restriction in regard to entry into Government Service by an open competitive examination may ultimately be imposed. For the immediate present, however, we recommend an upper age limit of 28 years.

2.2.4. The success in such a common recruitment examination should only mean that the candidate will be appointed to an appropriate position under Government in the entry grade (which should be the same for all services) provided he qualifies himself in the subsequent tests. All the successful candidates would be required to undergo a rigorous six to eight months foundational training course during which they should be initiated into the various aspects of public administration. Their potentialities and their skills and aptitudes should be assessed during this training by several psychometric and other tests and in accordance with this assessment they should be allocated to various functional pools or services such as administrative, financial, economic, accounting or other professional services. Those who are not upto the prescribed standard may be offered positions in lower grades appropriate to their ability. Similarly, functional pools or services for scientific and technical jobs should be formed through appropriate competitive examinations.

ALLOCATION
TO DIFFERENT
SERVICES

Members of the pool or services would rise to higher grades on the basis of their merit and ability as shown in the course of their actual performance on the job. There would be no bar for transfer from one pool or service to another (if necessary, after imparting some training) whenever administrative technical and other requirements justify the same. Inter-service mobility can be planned among the members of the various services or pools which are inter-related; for example among the different accounting departments, the different tax-collecting departments, commercial departments, telecommunication wings in the P&T, Railways, Defence and Police Departments, the different Engineering and Irrigation Departments. Transferability can be resorted to extensively where the posts do not require specialisation. It should be ensured that this mobility does not become one way traffic only. The pay scales should be at the same horizontal level corresponding to each grade. The vertical ladder in each pool or service would also have positions carrying same pay scales for corresponding grades which would be determined on the basis of the contents and evaluation of the jobs. After final allocation to a pool or service, the first eight to ten years of an officer should be spent in that special discipline of administration to which he has thus been recruited. We have elsewhere dealt with the need for simplifying the pay structures introducing uniform pay

scales for comparable jobs under our recommendations regarding position classification. Till this position classification is installed uniform pay scales should be devised and made applicable for all the Class I Services (including the All India Services), technical and non-technical during the interim period.

2.2.5. It may be stated that on the basis of the results of the same combined competitive examination, candidates are allotted to certain Class II Gazetted Services; for example, the Central Secretariat Service, Class II, the Himachal Pradesh Police Service, Class II, etc. Certain other cases were also brought to our notice, wherein in certain years even candidates, who did not opt for the Class II Gazetted Services, but who were for some technical or other reasons not allotted to the Class I Services were allotted to Class II Gazetted Services, even though they were declared eligible to hold a Class I post. We do not consider this practice sound. Recruitment to different levels of Services having dissimilar conditions of service should be separately made as otherwise this affects the morale of the Civil servants adversely. Therefore, our recommendation for the adoption of a common recruitment examination for the higher non-technical Services including the All India Services means that on the basis of the results of this common examination for recruitment to the non-technical and All India Services, recruitment

RECRUITMENT
TO DIFFERENT
LEVELS OF
SERVICE.

of candidates to fill vacancies in the existing class II (Gazetted) Services should not be made.

RECOMMEN-
DATIONS
FOR
ACTION
(2)

2.2.6 We recommend, therefore, as follows:

All Services designated hitherto as Class I Services, technical and non-technical, should be brought within the framework of one set of unified conditions of service. For this, the following steps are recommended:

- (i) The competitive examination for recruitment to the non-technical higher Services should be common to all the Services.
- (ii) In case the existing pattern of examination is continued for this common competitive examination for recruitment to the non-technical higher Services, the maximum marks for the compulsory subjects should be raised to 700, keeping for the optional subjects 800, and for viva voce, 200, so that a more balanced type of intellectual candidates get into the top ranks.
- (iii) In this common examination, the optional subjects should include many new subjects like Engineering, Chemical Technology, Medicine, Agriculture, Architecture, Law, Textile Technology, Accountancy etc., so that, firstly, technical graduates who now constitute the majority of first class boys look to these Services instead of seeking service abroad and, secondly, so that Government can secure the services of the balanced type of intellectuals with technical as well as non-technical background from the universities for the multi-sided requirements of governmental work.
- (iv) The maximum age limit prescribed for those competing in the examinations for recruitment should be raised to 28 so that professional and technical graduates may be eligible for taking the competitive examinations in large numbers. Successful technical and professional graduates should be given two years seniority over the others to compensate for the longer period spent by them at the universities. We recommend further that the ultimate objective should be to remove the age

limits for participating in the competitive examination for recruitment to Government service.

- (v) The present technical higher Services should be brought under conditions of service identical to those of higher non-technical Services except for the recruitment examination being in the specialities pertaining to each higher technical Service.
- (vi) All the different Services should have identical pay scales for posts at comparable levels. Consequently, the pay scales for the entry grade in all Services should be the same.
- (vii) Recruitment to the present Class II Services on the basis of the examination for recruitment to the higher Services (Technical and non-technical) may be discontinued.

OFFICERS OF
SCHEDULED
CASTES AND
SCHEDULED
TRIBES.

2.3.1. Special provisions are made and for good reasons, in order to give a fair representation to the persons belonging to the scheduled castes and the scheduled tribes. The appointments of such persons to the services have often to be made after relaxing the age limits as also to a certain extent the standards prescribed for other candidates. Persons so appointed may lag behind in promotions, especially those which are made primarily on considerations of merit. Some way of compensating such officers should be found. One way will be to give appointments in the field, for those who are not up to the mark for secretarial jobs. Thus they can be posted in the projects for scheduled castes and scheduled tribes, in co-operative, social welfare and other similar departments and so on. Such officers can in fact serve with greater confidence and possibly with greater effectiveness in such jobs. However, this aspect of the career of members of the scheduled castes and scheduled tribes should not be lost sight of.

RECOMMENDATION
FOR ACTION (3)

2.3.2. We recommend that persons belonging to the scheduled castes and the scheduled tribes should be placed in such appropriate positions where their special aptitudes could be usefully employed. For example, they can be given appointments in the field in areas where special projects are undertaken for the welfare of scheduled castes and tribes.

2.4.1. The recruitment of clerks should be made on the basis of simple competitive examinations. We are aware of one type of examination in vogue in some offices of old Madhya Pradesh State. Every six months (or every year depending on the vacancies) candidates registered on the waiting list are called up for the examination. A long passage of about 700 words is dictated. This tests the candidate's spelling and handwriting, both of which are important. The candidate is then asked to make a precis of the dictated passage in about 200 - 250 words. This tests his command of the language. The candidate is then also asked to write an essay on a simple subject. In Madhya Pradesh this type of examination brought in fine candidates who did extremely well in their careers.

EXAMINATIONS
FOR RECRUIT
ING LDCs AND
UDCs.

If the recruitment to the clerical cadre is continued to be made through an examination as at present, we recommend the holding of test on the lines above. In addition to the examination on these lines, we should also be required to take paper on Arithmetic.

A similar examination could be held for Lower Division Clerks awaiting promotion as

Upper Division Clerks. For them, the examination may include a test to see how they are familiar with rules of departmental business and so on.

RECOMMENDATION 2.4.2.
FOR ACTION
(4)

We recommend that the recruitment of clerks should be made on the basis of a simple competitive examination by the departments. If the present type of examination for recruitment is continued, it may consist of a written essay on a simple subject and a piece of dictation to be taken by the candidates (which gives an idea of handwriting and spelling) and writing a precis of it. A paper on arithmetic should also be included. For promotion examinations for clerks similar simple tests may be devised.

WORK
STANDARDS
FOR STAFF

2.5.1. A reference would be pertinent here to the considerable overstaffing in Government offices. Recruitment to all services - Class I to IV - has been made on a scale which, with reference to our economy, can be termed lavish. No doubt, the high pressure of Plan implementation, the need for controls arising from scarcities of resources and materials and the problems of food and unemployment caused by a sudden spurt in population necessitated feverish recruitment. But unfortunately no systematic attempt was ever made to study work loads. As a result recruitment went along in an ad hoc way, often in a state of panic and in a mood of abandon generated by the unprecedented large allotment of Plan and other funds. There are no work standards for many positions and where standards exist they are not often scientifically evolved. We recommend that work standards should be adopted for all levels of jobs on a scientific basis and the staff rendered surplus should be absorbed or provided with alternative employment in suitable posts wherever there is justification for employment of additional staff. A scheme should also be evolved

for the premature retirement and/or rehabilitation of such staff who could not be absorbed in any other post. This work should be entrusted to the Organisation and Methods Division under the supervision of the Central Personnel Agency (referred to in paragraph 2.8.4.)

OFFICE
ORDERLIES

2.5.2. In the U.S.A. and the U.K. there is nothing like the scheme of orderlies as we have in our country. In Delhi there are more than 10, 000 orderlies in Government offices. It may be true that this provides employment. But so are man-driven bicycle and other rikshaws. Everybody wants the man-driven rikshaw abolished and the man employed on something more constructive and dignified work. But with each passing year, this system is becoming a vested interest. Further, the increasing numbers of them make the task of finding alternative employment more and more difficult. So is this system of orderlies. It is by now a serious problem by itself and cannot be done away with all at once. But we should soon find the day when a Secretary does not feel embarrassed when he has to carry the files himself on his way to see the Minister or other officials. (And the Minister too in his turn.) The strength of orderlies should be cut down to size. We should

have despatch-riders in adequate number for taking files to and from offices. The old idea of employing orderlies for private work in the homes of the higher officials died a not undeserved death. So, higher officers will have less reason to complain.

There is also the reluctance on the part of orderlies to do odd jobs pertaining to their offices. In one case, the Class IV officials' union enjoined on its members not to carry loads of stationery or of files exceeding (perhaps) 10 kilograms, with the result that the office had to engage contract labour for the job. Such instances are on the increase. Pressure from the unions is largely responsible for this state of affairs: the emphasis is on doing as little work as possible. We are consequently recommending the reduction of the strength of orderlies in administrative offices by about 50 to 60 per cent in the next five years.

2.5.3 We recommend that:

- (1) Work standards should be evolved for all levels of jobs by undertaking special studies by experts; and the requisite strength of staff at the various levels should be determined on the basis of these standards.
- (2) The task of evolving the work standards and the determination of the strength of staff should be entrusted to the Organisation and Methods Division under the supervision of the Central Personnel Agency.

RECOMMENDATION
FOR ACTION
(5)

- (3) The staff rendered surplus as a result of the adoption of the work standards should be absorbed elsewhere wherever corresponding vacancies may exist, or provided with alternative employment in suitable posts. For those who cannot be absorbed in any other vacancy under Government, a scheme for retirement should be evolved.
- (4) The institution of orderlies in the present day has developed into an anachronism. We recommend that to start with a reduction of at least 50 to 60 per cent of the orderlies in administrative offices should be made, spread over the next five years. This should be followed by a rapid increase in office amenities, such as telephone, PBX, telex, franking machines, computers in State-owned factories, etc. etc.

2.6.1. We now refer to the manning of posts at higher levels in the Secretariat and other similar offices to which appointments are made from persons serving in various fields and departments both in the Centre and the States. We consider below the several views advanced in support of the present system of appointing the members of one or two generalist Services only to the higher posts in the Secretariat and other similar offices preponderantly in preference to the members of the other Services.

HIGHER POSTS
IN THE
SECRETARIAT
AND OTHER
SIMILAR
OFFICES

2.6.2. During the British rule, the Indian Civil Service (I.C.S) was conceived as an elite administrative Service. It was held to be superior to the other Services even though the latter could and did perform functions of equal magnitude and importance. All key-posts in the different departments (e.g. Secretaries to Government, the Director-General of Posts and Telegraphs, the Commissioner of Labour, etc.) were manned by members of this Service. All the superior posts in the Secretariat were reserved for them. The essential feature of the ICS was its intellectual content. In an imperial past when its membership had almost been entirely British, they had performed the role of the founders and the guardians of an administrative system. In a later era, when the Indian elements in this service came into their own, they fulfilled the role of consolidators and after Independence, planners for a nascent democracy

THE INDIAN
CIVIL SERVICE

and developing economy. All this they have achieved because of their high intellectual calibre, training and experience. Their process of selection itself involved grim competition with the best products of the British educational system in its own home. Their talents had freer play and their experience was more intensive. They were accepted by others as the elite. A combination of these factors enabled them to play a pivotal role. But even during the British rule, in course of time, due to the changing needs of the administration members of the other Services were allowed to hold some of the key posts reserved for the members of the Indian Civil Service. The creation of the Commerce and Finance Pool in the Government of India, comprising not only of members from the Indian Civil Services but also from other services like the Indian Audit and Accounts Service, etc. was an outcome of this development.

INDIAN ADMINIS-
TRATIVE SERVICE

2.6.3 After Independence, the members of the Indian Administrative Service (I.A.S.) have come to occupy the position of an elite service. In the States they are utilised as the managerial elite in almost all departments and in the Secretariat. At the Centre, they occupy after the I.C.S. a large number of superior posts in the Secretariat and in other departments, as well as in Public Sector Undertakings. The I.A.S. receives the greatest

possible amount of organisational attention right from the beginning so that the career prospects of its members are not diminished and their promotion channels are made smooth. One writer has remarked that all discussions of Indian Administrative problems are excessively IAS oriented. Even the pay scale of its career grade and its structure are designed in such a way that almost all of its members reach as a matter of course the maximum of Rs. 1800 which is the starting salary for the senior administrative grade in the other Services, which is reached by a small proportion of their members.

2.6.4 (1) The creation of an elite administrative Service right at the stage of initial recruitment has been criticised on several grounds. The treatment of only one Service as an elite Service causes frustration in the other generalist and technical Services. The position of the latter Services vis-a-vis the elite Service creates problems of prestige and status. The complaint is that it is the generalist who administers, who has the last word in advice, who has access to the Minister and through whom professional advice must be filtered. The most apt illustration of the attitude displayed towards the specialist and technical Services is provided by that of a motor car owner towards the motor car mechanic. The result is that technically qualified persons, engineers and

CRITICISM OF
THE CONSTITUTION
OF AN ELITE
SERVICE RIGHT
AT THE STAGE
OF INITIAL
RECRUITMENT

medical graduates feel that they are denied situations which bring them greater recognition and prestige.

It is well-recognised that at the Pre-University Course, stage of education, many of the better qualified and brighter persons choose to enter fields like Engineering and Medicine. Very often it is only those persons who are left out and have been unable to make the grade in this test that take up the humanities, like Arts, Commerce, etc. and ultimately become administrators. Though they are non-technical, they sit in judgment and occupy high positions of authority over their colleagues in the technical field who at one time were considered better qualified. It cannot be gainsaid that this is a source of heartburning and discontent among technical personnel. An excuse is often advanced against the technical men that where graduates in the humanities are far more freely available than the professionally qualified persons, it is a wasteful practice to employ the specialists, the technical and the professional Services on work where their special skills and knowledge may not find direct application. This is not a valid argument. The real solution to the problem lies in a reorientation of the present system. The system of personnel management should really be such as will secure to these specialist, technical and professional Services, an equal status with that of a generalist

TECHNICAL AND
PROFESSIONAL
SERVICES
REQUIRE EQUAL
TREATMENT

elite considering the value judgment of their special skill and knowledge which are admittedly not readily acquired. By this way, this feeling of discriminatory treatment will be lessened. It is true that there are examples of a professional or technical officer appointed to the top posts in the Secretariat but the manner in which such appointments are made gives rise to the general feeling that such appointments continue to be exceptional and ad hoc and not as the consequence of a planned personnel policy.

(2) A system which supports the superior status assumed by a generalist elite does not adequately recognise the need for greater scientific or technological content in administrative thinking essential in a welfare set-up and developing economy. In the present context, a considerable degree of technical and specialist content is involved in practically every kind of field work where the contact with the common man takes place. The technical, professional and specialist Services working in the field acquire and develop on these jobs managerial and administrative skills in much the same way as the other Services. By relegating them to a secondary position in regard to appointments to high level posts in the secretariat their ability derived out of a long stay in the field remains unexploited to the full extent in the high administrative posts. The constitution of an elite

THE NEED FOR
WIDENING THE
FIELD OF
CHOICE FOR AN
ELITE SERVICE

corps from a single source, thus, denies the State access to wider fields of talents which are essential for improvement of the general efficiency of administration.

(3) In a democratic set-up it is not a sound practice to make differentiation between one Service and another merely on grounds of traditional procedures. A single Service like the Indian Civil Service could function in the past as an elite Service because in a different political context its authority was accepted without much question. Now a civil service structure should as a whole be designed not merely to fulfil the needs of the management but also to secure acceptance by the whole staff in accordance with the principles of justice and equality. An elite Service should not be constituted in such a way as to shut out addition to its strength at a stage other than at the source of initial recruitment from the open market. Otherwise it tends to become a device for providing additional opportunities of promotion and for reservation of a majority of the top posts in the Secretariat and other departments only to one or two Services giving rise to a sense of injustice and heart-burning among the other Services. The other Services who feel that they can also share these posts with equal competence and merit should be given the

opportunity. It should be noted that in the Civil Services today the great majority of the senior executive personnel are technical men on whose morale depends the bulk of the execution of our plan projects. The prevalence of the feelings of injustice and inequity among the majority of the higher specialist and technical Services who are, along with the others, relied upon for the execution of the policies framed by Government is harmful to the morale and is at the root of the present inter-service rivalries and bitterness and consequent inefficiency. In public administration in a democracy personnel procedures should be such that justice is not only done, but is also believed to be done. Otherwise any practice, however, justified may not inspire confidence, and may ultimately reflect adversely on the efficiency of administration.

2.6.5. There is a great need for specialisation in public administration. Even the Indian Civil Service during the British days was not considered and treated as a purely generalist service. Though a generalist service, it was essentially a service meant for the district administration, and in practice the majority of its members stayed in the district administration for the better part of their service. The choice fell on the ICS as the elite Service not solely because its members had the

THE NEED FOR
TECHNICAL AND
PROFESSIONAL
KNOWLEDGE AND
SKILL IN PRESENT
DAY ADMINISTRATION

experience provided by a district charge, though the possession of such experience was an advantage, but also because of the other special reasons that existed in the context of the then political and administrative considerations. We have already stated that despite the specific reservation of top posts in the Secretariat and in other departments for the ICS the need for specialisation was felt and recognised by the flexible and pragmatic approach adopted for manning some of the posts reserved for them by officers of other Services. This is evident from the formation of Commerce and Finance Pool and from the ad hoc appointments of persons other than members of the ICS to various senior positions in Government. After Independence, the socio-economic, developmental and welfare programmes undertaken by Government require to a greater extent than in the past the application of technical professional and specialised skills and knowledge in addition to managerial skills at the top levels for their successful implementation. Therefore, an elite Service now should be flexible enough to provide qualified men for such positions. But this is possible only if the elite corps is drawn from all the higher Services available. Though this need is to a certain extent met by ad hoc appointment of technically and professionally qualified persons as advisers or even

a separate hierarchy of such qualified persons, it is not entirely a happy solution to this question. Such a step besides raising problems of esteem, is costly and dilatory, as it necessarily duplicates a set of parallel agencies at the various levels. It tends to blur the question of responsibility and accountability for decisions. It may also give rise to costly blunders in administration as any incorrect or inadequate appreciation of the whole set of factors of a situation needing solution or a failure or deficiency in the communication or understanding between the two, viz., the policy formulator and his technical or specialist adviser, may spell disaster to the whole programme under implementation. The damage done may be irreparable or may retard completion of the programme by several years.

2.6.6. There is the view advanced that specialisation and professionalisation in Services tends to restrict the growth in the members of these Services of a broad outlook and of a sympathetic and human approach to problems so essential in the higher posts. It cannot be denied that persons working for a long time on one type of work or working in only one office or department continuously acquire expertise in the speciality which they are practising. It may be true that some of them may develop over a period of

SPECIALISATION
IS A 'MUST' FOR
HIGHER JOBS IN
ADMINISTRATION

years certain fixed or rigid attitudes. This is an individual shortcoming and it may be found not merely in those working in technical or specialist departments but in all departments as well. Inflexibility in outlook may also be brought about by advancement in years or by increasing domestic cares. It is stated that often the work situation in certain specialist and technical departments even at supervisory levels is monotonous and repetitive in nature and this sometimes diminishes the capacity for adaptability. This is not a valid argument. In a dynamic and advancing society work pattern in any department changes calling for the application of different techniques and skills, and the specialist and technical Services do not confine themselves to handling only mechanical situations divorced from living and direct contact with human beings. Even the machines require human operators whose work is supervised by these technical and specialist Services. The general belief that a narrow outlook is inherent per se in specialisation or professionalisation is not wholly correct and is not supported by actual experience of countries where specialisation or professionalisation is looked for in every good administrator. The old view that "duties of all public offices are so plain and simple that men of intelligence may readily qualify themselves for their performance", cannot apply in the same measure

today. Man of intelligence are no doubt still required but they should also be qualified and experienced in some special field. As earlier mentioned, during the pre-Independence period, the district administration in a province constituted a special field which provided the bulk of administrators at top levels in Government. Now in the changed set-up the district administration should be considered as only one among the many specialised fields which should throw up personnel for managing the posts at higher levels. The exaggerated accent placed on the experience of a district charge as the sine qua non for the higher managerial posts in Government ignores the professional aspect of the work not only at higher levels but also that of the district administration itself. The need for looking upon the district administration as a specialised field of administration has been graphically commented upon by one witness that the job for which the experience of a Collector makes him eminently suitable is that of another Collector. This has been said to us not in any way in disparagement of the importance of the Collector's job, but to underline the fact that for top level positions in Government many other qualities and skills in addition to those required in a district charge are also necessary.

VERSATILITY IN
EXPERIENCE TO
BE PLANNED FOR
ALL SERVICES

2.6.7. There is another argument that members of all Services do not possess different work experience, necessary for manning the higher posts. Versatility in experience is sought to be given by changes at short intervals from one type of work to another. Such changes of the work of a Government servant at short intervals may result in his not acquiring a thorough grounding in any one speciality or profession which should provide the basis for career development. Sustained hard work in one job according to the aptitude of person is calculated to develop the innate abilities of the person better than a superficial acquaintance with several jobs. Further only a long stay in one job enables a person to prove his worth, and capacity for tackling problems. In the process of quick transfers from one type of job to another type of job, a person may leave problems to be solved by his successors or may be required to solve problems left by his predecessors in office. It is no doubt true that all round experience is gathered in different work situations by a capable person. But a spell of duty in one job should be long enough to enable a person to make an intensive study of his work and to come into vital contacts with the various problems and to tackle them. In this way inter-service mobility will have some meaning and help in broadening the outlook of a person. The inadequacy of the

inherited Service structure is that inter-Service mobility as such is not available in all Services. It is illogical to put restriction on inter-Service mobility in respect of several Services and then to hold that as one of the reasons for the members of these services being excluded from the elite corps. A sound practice would be to allow inter-Service mobility in all Services to the really capable among them. A balance should be struck between the need for specialisation and that for imparting versatility in experience for development of the innate potentialities of talented persons to the maximum extent possible. Inter-service transfers may be useful if they take place after a stay in one service of the persons for 8 to 10 years. We have, therefore, recommended elsewhere that an officer should after final allocation to a Service remain in that Service for a minimum period of 8 to 10 years. We have also referred to the additional advantage arising out of the inter-Service mobility in that it will lead to better placement of persons who may find themselves in wrong Services unsuited to their aptitudes.

2.6.8. We have referred to the formation of the Commerce and Finance Pool in the early thirties for manning the higher posts in the Secretariat.

In view of the Constitution of several new Services

THE CENTRAL
ADMINISTRATIVE
POOL

after Independence, the source of recruitment to this pool was enlarged in 1952. It was more or less modelled on the lines of the old Commerce and Finance Pool and the list of eligible services for it included the IAS and other non-technical Services like the various Accounts Services, the Indian Income-tax Service, the Indian Postal Service, etc. In 1957, a further revised scheme was introduced. We reproduce the particulars of the scheme in Annexure III. The field of choice for manning the higher posts at the Central headquarters was widened so as to include not only a few more non-technical Class I Services, but also the higher technical Services and the personnel of the Public Sector Undertakings also, as by this time the Public Sector was already established and the need to draw persons from this field to positions at headquarters was felt and recognised.

FURTHER
CHANGES

2.6.9. Good as this scheme looks on paper, it has run into several difficulties, mainly in our opinion, due to the pressure groups and vested interests. After the scheme was given a trial for some time further rethinking on the subject, appears to have taken place. The result is that there has been no further addition of officers to this pool. Practically getting into higher positions at the Centre has now become an ad hoc and random affair, each Service getting

larger, lesser or no share at all according as the prevailing administration acted.

2.6.10. We may in this context refer to the recommendations made by previous Committees and Commissions. The Commission of Enquiry on Emoluments and Conditions of Service of Central Government Employees (1957-59) had made the following observation:

VIEWS OF SECOND
PAY COMMISSION

"We consider it desirable that the Government of India should draw the personnel for their headquarters organisation from as wide a field as possible, and that it is in the interest of the efficiency of the Central Organisation that fuller use should be made in it of the abilities and the diversity of the experience of the officers of the Class I (non-technical) Services. It further appears that under the present arrangement officers of these services do not have as among themselves equal opportunities for services in the Central Secretariat."

The total strength of Central Class I Officers including the All India Services is about 18,000 with the approximate break-up as follows:

Indian Administrative Service	2800
Indian Police Service	1600
Non-technical Central Services, Class I	3800
Technical Central Services, Class I	9800

Of these 18,000 civil servants of Class I, as many as 9,800 (54%) technical men and 1600 (9%) policemen are generally barred from the top posts in the

Secretariat and 55% of about 700 top posts of Deputy Secretaries and above, (75% of Joint Secretaries and above) in the Central Secretariat are held at present by civil servants in the Indian Administrative Service.

2.6.11. The Central Second Pay Commission (1957-59) observed as follows in regard to the appointment of technical men to Secretariat posts :

"Where the work of a Department is mainly technical, it is desirable, in our view that the Secretary should be a person who, while possessing administrative ability and capable of taking a broad Government-wide view of matters, has a technical background in the particular field. In a Department, which has a considerable amount of technical as well as administrative work, the Secretary may be either a technical officer with proved administrative capacity or a generalist administrator; technical officers should not be excluded from the field of choice, on a priori considerations, but should be considered on merits."

2.6.12. The Rajasthan Administrative Reforms Commission (Chairman - Shri H.C. Mathur, M.P.) made similar observations.

2.6.13. The Estimates Committee (1965-66) observed in their Report as follows :

"The Committee commend the idea of a Central Administrative Pool to provide officers for manning senior administrative posts under the Central Government. They suggest that the pool should be gradually developed into a main source from which officers may be drawn to man the senior administrative posts under the Central Government

The selection of officers to the Pool from the All India Services and Central Services Class I may be made keeping in view their respective strength so that

VIEWS OF
ESTIMATES
COMMITTEE

there is a fair representation of all the Services in the higher posts of the Central Government and no single Service monopolises the top posts under the Central Government.

The Committee have already undermined the need for taking practical steps to induct a larger number of officers with technical background, training and experience as administrative heads of institutions, departments/ministries dealing with scientific, industrial and technical subjects. The Committee suggest that the Ministries/Departments dealing with technical subjects such as Agriculture, Science, Education, Economic Matters, etc. should be manned by officers belonging to the corresponding All India or Central Services."

2.6.14. The reaction of the Central Government to these recommendations as conveyed in their reply to the Lok Sabha Secretariat was unfortunately quite disappointing. The reply (given as late as in January, 1967) was on conventional and old-time conservative lines. The reply is in effect a feeble attempt to justify continuation of the present unsatisfactory state of affairs. The Central Government had with them their own unimplemented scheme for the constitution of a Central Administrative Pool ever since 1957. Nothing had been done to give full effect to this scheme. Further procrastination may lead to highly undesirable consequences. As an illustration we would point to the recent strikes of Engineers of Punjab and Kerala which are an indication of discontent and the low morale among the Services.

REPLY OF
CENTRAL
GOVERNMENT

2.6.15. We quote in extenso the reply given by the Central Government:

"There is already a scheme to constitute a Central Administrative Pool. This scheme is now under revision and the new pool when constituted is proposed to be called the 'Central Economic Pool'.

"In accordance with the existing scheme as also according to the proposal under consideration the Pool is intended only as a limited source of staffing arrangements for economic posts under the Central Government. Many of the State Governments have expressed their opposition to this idea. In view of this, the size of the Central Economic Pool will for the present be a modest one. It cannot be made the main source from which officers are to be drawn to man senior administrative posts under the Central Government for several reasons. For administrative posts, generally it is necessary that the officers should have experience of field administration in the States and be able to revive their contacts with the grass roots of administration from time to time. There are some posts which require either specialised knowledge or continuity of experience in spheres exclusive to the Central Government. Such posts are intended to be filled by the officers drawn from the Economic Pool

".... It would not be either practicable or correct to restrict the Committee's selection of officers by imposing the restriction that they should select officers in proportion to the respective cadre strength of All India and Central Services. The Services primarily recruited for general administration may hold a large number of posts under the Central Government but there is no question of any monopoly by a single service.

"While the recommendations that practical steps should be taken to induct a large number of officers with technical background, training and experience as administrative heads of institutions, Departments and Ministries dealing with scientific, industrial and technical subjects are unexceptionable, there are practical difficulties in providing

that posts in Ministries/Departments dealing with technical subjects, such as Agriculture, Science, Education, Economic Matters, etc., would be filled only with officers of respective technical services.

"Senior posts under the Government are of two kinds. In the first category are posts in institutions and departments outside the Secretariat organisation where the departmental or institutional hierarchies are utilised to man the top posts. It is seldom that a generalist administrator is placed at the head of any such organisation. In exceptional cases where this is done, it is usually for the reason that job content of a particular post is more administrative than technical.

"In the second category fall Secretariat posts. It may be mentioned that the Secretariat type of work is quite different from that done in the specialised departments. While under the present rules, Secretariat appointments can be manned by officers of any of the Central Services, Class I, most scientific and professional officers would continue to make their careers in their own fields and may indeed wish to do so. Upto the level of the Heads of Departments, certainly technocrats, scientists, educationists, etc., are essential, so that Government's examination of the technical and scientific side is well-informed, but it is not necessary that certain departments of the Secretariat should be manned only by officers belonging to those specialised services. Therefore, while maintaining the flexibility of staffing and keeping the senior posts open to all groups in the service, the professional aspect of the generalist services cannot be ignored."

2.6.16. In the light of the observations we have made, we feel it necessary to consider at length the various points made out in the reply of the Central Government to the Estimates Committee.

OUR COMMENTS

Firstly, it is said that many States have opposed the scheme. This appears to be so because men taken in the pool cannot be recalled by them (after suspension of their lien) and because the States very likely feel that they have no final voice in selecting officers for the pool. In the larger interests of the country these and, if any, other objections should not weigh with the Central Government.

Secondly, it is suggested that officers with experience in field administration in the States and with ability to revive their contacts with the grass roots of administration from time to time cannot be found from outside the present recruiting ground composed primarily of the Indian Administrative Service. This argument is invalid for the following reasons:

i) We have already referred to the fact that field experience or grass root contact is there in every service. Even among the members of the Indian Civil Service and the Indian Administrative Service the composition of the cadre is such that the average length of service of a direct recruit at present in the field as District Officer hardly exceeds a year or 18 months.

This 'district experience' theory which is brandished as a trump card does not today have the validity which it had before Independence when officers used to undertake long tours and spend night after night

in tents in remote villages and so perforce came into contact with the sons of the soil and with the humblest people in the districts. After Independence, the car and the jeep gave an excuse to the officers to give up effective touring with tents altogether. The officers now make hit and run dashes to the villages which are accessible by road, spend the prescribed compulsory number of nights in some way-side dak bungalows and rush back to the metropolis to lapse into the urban life they cannot miss for long. The contact with the villagers is hardly there. The District Officers' car journeys are no better than the Executive Engineer's journeys which latter are undertaken only for road and building inspections. In effect, the District Officer gets no more 'District Experience' than the Executive Engineers. Grass does not grow on the roads thanks to the Executive Engineer and the District Officer's foot is thus seldom to be seen on the grass-roots.

Further, it may well be that, those at the Centre who get back to the parent States, may be posted at the headquarters of the State, giving them thereby no chance to revive what little grass root contacts are available in a District charge.

ii) The Central Secretariat Service which (in January, 1967) held 176 administrative posts of the rank of Deputy Secretary and above as against 370 of such posts held by the Indian Civil Service and the Indian Administrative Service can hardly boast of experience in field administration in the States or of any grass root contacts outside the Delhi Metropolis, despite the short and inadequate field training they get in the course of a year or less in a district. The Central Secretariat Service is a valued component in the personnel and yet one seldom hears the complaints that they suffer from a lack of field experience or grass root contacts. (It would be wrong at the same time to suggest that these administrative posts could all be manned by members of the Central Secretariat Service. Such a composition would be lop-sided).

Thirdly, in regard to manning of these top administrative posts by the technical Services, it is difficult to visualise the nature of practical difficulties which the Central Government have in view. To repeat what we have already stated above, work in any department of Government involves these days the application of a lot of technical and specialised knowledge and equipment. We may also observe that the present indifferent turnover of public sector undertakings and of the technical or

specialist Departments and Ministries is partly due to the almost reckless posting of non-technical men in charge of them.

2.6.17 We should also in this context bear in mind the very serious and sad flight of technical personnel from India to any possible foreign country. The secondary status given to them in the public administration of this country and the hitherto conservative attitude of our policy makers towards professional men are the major contributing factors to this situation. There are about 3,000 Indian Doctors in the U.K. Our Engineers and research workers are flying to USA, to Canada and to other countries. We are told that literally thousands are on the waiting list for emigration and that many engineers trained in initial 5-years contract jobs in our public sector undertakings (such as Heavy Electricals Ltd., Bhopal) have left for Canada and other foreign countries on the completion of their contracted service. This is an irreparable loss to the country, representing not only of trained men but also loss of perhaps a lakh of rupees per person spent on their education and training.

LOSS OF
TECHNICAL
PERSONNEL
DUE TO
SECONDARY
STATUS GIVEN
TO THEM IN
PUBLIC
SERVICES.

2.6.18 For all these reasons we are inclined to the view that the flexibility, utility and versatility of a Pool such as the one recommended

OUR RECOMMEN-
DATIONS.

by the Estimates Committee will be superior to that one could participate from the existing arrangement or from the 'Limited' Central Economic Pool now on the anvil of the Central Government. It may not be necessary that each Service should be represented in the pool in strict proportion to their respective strength. What is required is that all services should be considered on an equal footing for appointments. The selection for this Pool should cut across service barriers. The line of thinking that an 'above average' officer of one service should be considered as equivalent to a 'very good' officer of another service or an 'outstanding' officer of third service is fundamentally incorrect. The officers to be selected from the various services for the higher posts should be the best available in all Services. We agree with the recommendations made by another Study Team in this context, viz., selection by an examination by the UPSC of candidates for admission to this college from amongst all the technical and non-technical Class I servants with nine to twelve years of service and putting them through a course in a Staff College and then selecting from among them the most suitable persons for the posts of the level of Deputy Secretary in the Central Secretariat and other similar organisations.

We are in agreement with the recommendation of the Estimates Committee on Public Services that an

index card of all eligible officers who satisfy the minimum qualifications required for participating in the Pool should be maintained. We recommend also that an index card of persons selected for the Pool should be kept for making the postings. Once selections have been made on a competitive basis for these posts in the Secretariat, appointment to higher posts in the Secretariat should be based strictly on the performance of these persons which should be judged by suitable methods of assessment. If necessary, suitable procedures may be evolved for evaluating the capacity and the aptitudes of the persons for these higher postings also. In other countries such as the U.K., the U.S.A. and France merit is the first consideration for appointments to higher posts. In the U.S.A., the merit principle is applied in all positions in the civil service hierarchy. In the U.K., only one-third of the officers in the Administrative Class gets promoted beyond the level of Assistant Secretary (comparable to the post of Deputy Secretary in the Central Secretariat). As the success of a development administration is predicated on the performance of the bureaucracy and as the merit principle is the greatest driving force behind it, emphasis should be on uncompromising merit and performance. To sum up, the posts in the

Secretariat and other similar organisations which are filled up from amongst the members of the various services should not be reserved for being filled up by members of one or two Services as such. The selection for these posts should be made on the basis of a test specifically evolved for this purpose and the test should be conducted by the Public Service Commissions. All the Services, technical and non-technical, should be eligible for participating in the test on a uniform and non-discriminatory basis. To facilitate selection, an index card of eligible persons from each service should be held at a central place. An index card of persons selected on the basis of the test should also be maintained.

RECOMMENDATION
FOR ACTION (6)

2.6.19. We, therefore, recommend:

- (1) Specialisation in skills and knowledge should be built up in the Services by allowing persons to continue in particular areas or fields of administration for a minimum period of 8 to 10 years. Transfers at short intervals from one branch to an altogether a different branch of work should be avoided as far as possible.
- (2) As in the present day personnel system the need for posting a person according to his aptitude is not fully met, the placement policy of Government should be revised and, in spite of the present rigid Service barriers, opportunities should be provided for inter-Service mobility in accordance with the aptitudes and skills of persons.

- (3) For manning the posts at higher levels in the Secretariat and other similar organisations, which are today in practice filled by drawing persons from only a few Services, selection of persons of ability and talent should be made from as wide a field as possible. To achieve this, (a) there should be no reservation quotas as in the case today of such posts for one or two Services alone, (b) the selection of candidates for these posts should be made from amongst all the technical, professional, specialist and non-technical Services, on the basis of an examination to be conducted by the Public Service Commission in which those who have put in nine to twelve years of service may compete; and (c) for this purpose, the bio-data of all eligible persons should be maintained by the Personnel Agency entrusted with the selection.
- (4) To facilitate placement, the bio-data of persons selected on the basis of the examination should be maintained by the Personnel Agency concerned.

"CIVIL SERVICE
OF INDIA" OR
"FEDERAL
SERVICE OF
INDIA"

2.7.1. We have recommended the above measures for giving shape to the pool idea which had its start in the thirties. But whatever its shape, as a pool it will be of an ad hoc nature and status, liable to be substantially changed or even left in cold storage every now and then. It would lack the permanent status of a constituted service. A far better step will be the creation of a full-fledged Service, entrants to which will be drawn from all existing technical and non-technical services on a rigorous basis of selection. Such a Civil Service could be designated the "Civil Service of India" or the "Federal Service of India" and its members could be deputed to the states or to particular posts or to public sector undertakings. Party Government is still in the developing stage in our country. It may take years before we settle down to a stable two-party system. The intervening years may see upheavals in the standards of work in Government offices at the Centre and in the States. In these circumstances, it will be necessary that the Government at the Centre should possess long arms to assist in maintaining executive control. The following could be the functions of this Service:

- (i) assess and supervise the progress in the fields of plan schemes and developmental administration;

(ii) co-ordinate the regional development;

(iii) man selected senior posts at the Centre and in the States.

2.7.2 At present, the State Civil Service including such officers of the Indian Administrative Service who work in the States are not able to manifest their total administrative personality.

THE JUSTI-
FICATION
FOR THIS
SERVICE

The IAS officer, who is mainly the chief administrative authority in a district has to attend to a lot of ceremonial functions although he does act both as the law and order officer as well as a coordinating authority for development. But his work and his contribution are both narrowly limited and local in character. In many States even the developmental functions are being transferred to the Zila Parishad and Panchayats.

The Governors in each State are not expected to exercise control over the progress of administration and plan schemes. Also, they cannot protect the IAS officers, if they are not properly treated or are transferred on pressure from the local politicians.

Some of the State politicians, sometimes even consider the Governors as outsiders and, therefore, they do not always listen to their advice. Governors as also the All India Service officers are today subject to a lot of local political pressures.

There is, therefore, a real need today to establish what may be termed a Super Civil service which can truly serve the country, which can withstand pressures from political parties and which can effectively deal with confused situations arising from political instability of the moment. As Sardar Vallabhbhai Patel had put it, there should be a service which 'may not be at the mercy of changing parties or changing conditions in the country'. The proposed "Civil Service of India" or "Federal Service of India" is the answer to Sardar Patel's hope.

The proposed Civil Service of India or Federal Service of India would thus be a super service in the Indian bureaucracy, emerging at a time when they should, each of its members having given ample evidence of their administrative ability and competence consistently over a period of 15 years. It will serve also as a regularly constituted reserve for lateral entry at any required place in the country.

The President and the Governors should hereafter have their staff from the Civil Service of India or Federal Service of India as they would function better as their advisers both in times of peace and in times of administrative and constitutional emergency. These officers would also from time to time act as the national overseers, union watch-dogs,

and counsellors of the State, district and local administrations.

2.7.3 The bulk of the strength of the Civil Service of India or Federal Service of India would be composed of civil servants selected from all services by the UPSC. The selection should be made from officers who have put in a minimum of 15 years' service, in their respective technical and non-technical departments. There should also be lateral entry from the trade and professional groups from outside. We expect the initial strength of this service to be about 350. Thus, this Service may be constituted in the following manner:

THE COMPO-
SITION OF THE
SERVICE

- (1) 75 per cent recruitment by selection from both the technical and non-technical and scientific services at the Centre as well as in the States.
- (2) 25 per cent direct recruitment from the open market in the age group of 40 years and above in order to bring in senior specialists in the bureaucracy.

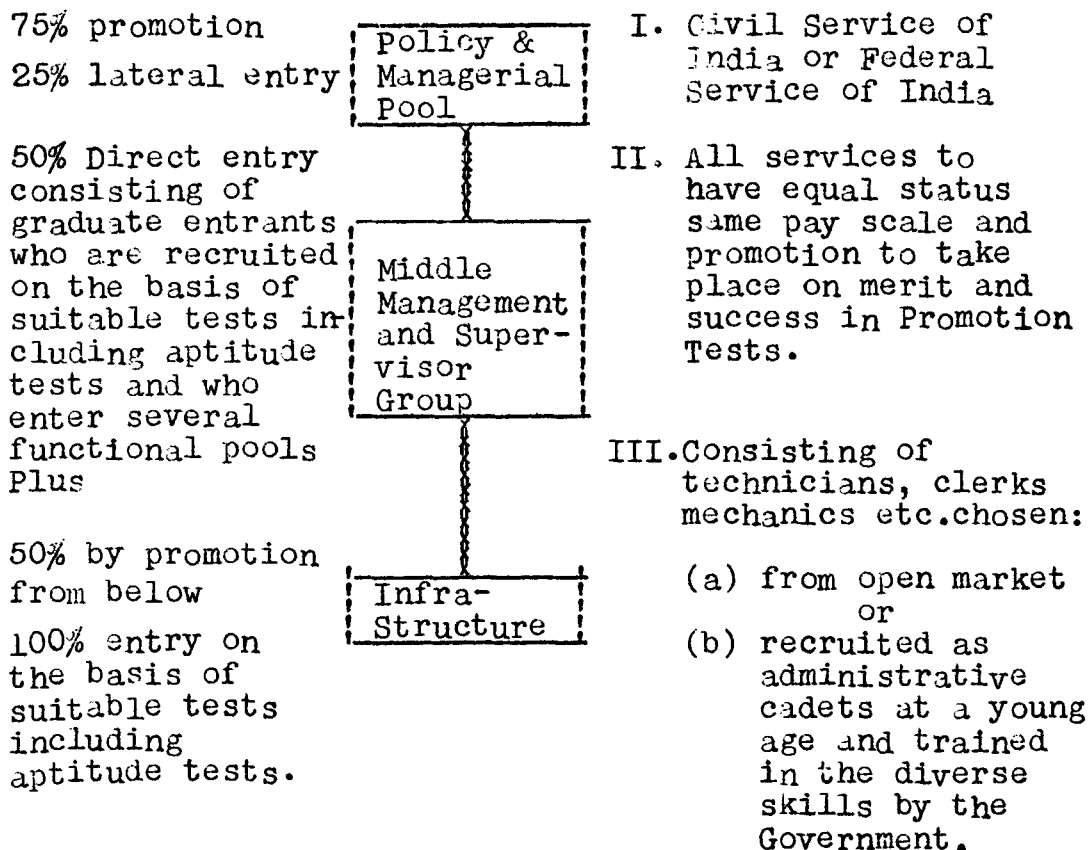
After selection to this Service, they should be given intensive training in the various disciplines of management and administration. The creation of this Service would be a logical outcome to the present trends in administration, since, hereafter, at the examinations of the UPSC and other Public Service Commissions, the candidates are likely to take examinations in the regional languages; such

candidates would have only a regional personality, suitable for their own State.

CONCLUSION

2.7.4 The Indian administration should in our view be manned in the following manner :

ENTRY



RECOMMENDATION FOR ACTION . (7)

2.7.5. We recommend that :

A "Civil Service of India" or "Federal Service of India" should be constituted for manning both in the State and at the Centre the higher managerial and policy formulating posts which are comparable to the posts of Joint Secretary to the Government of India at the Centre or the Development Commissioner in the States, in the technical and non-technical areas. The selection to this service should be made from among the members of the technical and non-technical services

in the States and at the Centre having a minimum of 15 years of service, against 75% of the vacancies, and from amongst the persons of the age group of 40 years and above from the open market for the remaining 25% of the posts.

PERSONNEL,
OFFICERS

2.8.1 At present personnel problems and matters arising in day-to-day administration in each office in a department or office are dealt with in a branch variously called the Establishment Section, the Staff Section or the Administration Section. If the personnel work does not justify the creation of a separate section it is entrusted to a senior person in the organisation along with his other duties. The questions dealt with in the personnel sections concern the vital problems of the staff working in the same office or in the field outside such as promotion, pay fixation, leave, etc. The efficiency of the organisation as a whole depends on the efficiency with which this branch is run. The persons in charge of this branch should, therefore, be specially trained for dealing with the personnel problems.

We, therefore, recommend that wherever the work justifies the creation of a separate personnel agency, branch or section, the person in charge of it should be one who has been trained in the techniques of Personnel Management. If the work does not justify the creation of a separate section, the officer nominated to deal with this work should be one who has received such training. The officer in charge of this work may be designated as the Personnel Officer. To deal with the policy matters regarding personnel administration for the Government as a whole a separate agency should be created at the highest level. This agency may be called the Central Personnel Agency. Such agencies should be set up both in the Centre and the States.

2.8.2 The Study Team on Machinery of Government have in their interim report listed the core functions for the Central Personnel Agency, to be established in the Central Government, namely :

CENTRAL
PERSONNEL
AGENCY

- 1) Postings to key posts;
- 2) Personnel policies;
- 3) Manpower planning;
- 4) Service Rules of all kinds;
- 5) Centralised aspects of management of All India and Inter-Ministry Cadres;
- 6) Talent hunting in all cadres and outside Government;
- 7) Career Development;
- 8) Over-all aspects of training;
- 9) Advising Personnel Management Agency within the Ministries;
- 10) Machinery for Redress of Government Servants' grievances;
- 11) Staff Welfare;
- 12) Research of various aspects of personnel administration;
- 13) Vigilance; and
- 14) Relationship with the Union Public Service Commission.

In regard to items (5) and (7) listed above, the Study Team on Machinery of the Government have recommended that the Central Personnel Agency should concern itself directly only with the Indian Administrative Service and the centralised part of the Central Secretariat Service and their career development, but that the other 'Services' and their respective career development should be managed by their respective Ministries under the guidance of the Central Personnel Agency. For example, the Indian Revenue Service should, according to this in future, be handled by the Ministry of Finance rather

than by the Central Personnel Agency. They have further suggested that the Central Personnel Agency should come into being in the form of a Department of Personnel in the Home Ministry with a full-time Secretary as its head and that the Cabinet Secretary should be considered as a kind of Secretary-General of this new Department without being styled so and without having any specific departmental obligations. The Study Team on Machinery of the Government feel that if the Central Personnel Agency is located in the Cabinet Secretariat, the arrangement might weaken the position of the Home Minister, particularly, in his relations with the States, apparently because the Central Personnel Agency will be concerned directly with the Indian Administrative Service.

ITS LOCATION

2.8.3. We agree with the view of the Study Team on the Machinery of Government in regard to the creation of the Central Personnel Agency and its various functions. We wish to point out further that the Central Personnel Agency which is to perform over-all functions in regard to personnel matters should not be burdened with the direct management of any particular service. There appears to be no convincing reason why the Indian Administrative Service, and the centralised part of the Central Secretariat Service cannot also be looked after by the appropriate Department in the Ministry of

Home Affairs. If this is done, it will give the Central Personnel Agency the character of a central nodal agency in the eye of all the services and the feeling that it may not be swayed in favour of any one service. In that case, there could be no objection to locating this Central Personnel Agency in the Cabinet Secretariat with a full Secretary in charge of it. Such an arrangement will not weaken the position of the Home Minister in his relationship with the States, because the Indian Administrative Service will then also be looked after by the Ministry of Home Affairs. It should be noted that the Estimates Committee in their 93rd Report on Public Services have strongly recommended that the Central Personnel Agency should be independent of the Administrative Ministry. Our suggestion is in consonance with the view of the Estimates Committee.

2.8.4. We recommend that :

RECOMMENDATION
FOR ACTION

- (i) Personnel Agencies should be established (8)
in each office or department or ministry
in the Centre and the State with the
specific functions of personnel management.
Specially trained persons should be
placed in charge of these personnel agencies.
They should be called Personnel Officers.
To deal with the policy matters of
personnel administration and to give
guidance to the Personnel Agencies, there
should be a Central Personnel Agency both
at the Centre and the States.
- (ii) At the Centre, the Central Personnel
Agency should be located in the Cabinet
Secretariat. In the States it may be
located under the Chief Secretary.

CHAPTER III

PROMOTION POLICY AND SALARY ADMINISTRATION

CHAPTER III

PROMOTION POLICY AND SALARY
ADMINISTRATION

METHODS OF
PROMOTION

3.1.1 The vacancies in the various posts under Government are generally filled by adopting one or other of the following methods:-

- (1) Wholly by direct recruitment from the open market.
- (2) A certain proportion by direct recruitment and the rest by promotion of persons already serving in lower grades.
- (3) Entirely by promotion from lower grades.
- (4) Partly by deputation from other services or departments and the rest by any of the above methods.
- (5) In a limited way, entirely by deputation from other departments or services.

FACTORS
INFLUENCING
PROMOTION
POLICY

3.1.2 The organisation of India's personnel system is broadly on the basis that it should provide a 'career' to an official recruited to a service within the hierarchical order of that service. He moves from the lower, less important and lower paid, to the higher positions. The average official naturally desires a mechanical fixing of the conditions of promotion, if not of the offices, at least of the salary levels. He wants that these

conditions are generally fixed in terms of 'seniority' and only exceptionally in terms of 'merit' assessed by some system developed for the purpose. He would also have the service operate as a status-based closed preserve so that each service offers the maximum possible advancement to its members alone. The present promotion policy of Government has been moulded to a great extent to cater to these tendencies.

3.1.3 Generally Class I services have two scales, the junior scale and the senior scale. Above the senior scale posts, there are junior and senior administrative grades in each service. In some services there are posts higher than these grades. In some of the Class I Services, the junior and senior scales are combined to form a single scale. Direct recruitment to the Class I service takes place initially in the junior scale. In the All-India Services, though a person is initially recruited to the junior scale his recruitment is deemed to have been made to a post in the senior scale which he should get, after he completes his probation, as soon as a vacancy arises or in his sixth year of service. Promotion from the senior scale to the higher grades in the Class I services takes place on the occurrence of a vacancy. As explained above;

THE
CLASS I
SERVICES

each Class I Service operates generally as a closed group. The promotion prospects in each Service depend on the way the Service is structured, the proportion of higher posts to the lower posts and the occurrence of vacancy in the different levels. Promotion, more or less, follows seniority. An element of selection is involved in respect of promotions to the junior and senior administrative and higher grades, where they exist. The promotion prospects vary from Service to Service depending on these factors. The Class I Services can be said to be self-contained in that all the promotion grades in each Service are within that class itself and also within that Service. In the I.A.S. and in exceptional cases in the other Services, the promotion takes place across the Service barriers. The scale of pay in the I.A.S. (the senior scale to which direct recruitment is deemed to be made) provides a good example of the principle enunciated, viz., the general desire for a mechanical fixing of the conditions of promotion in terms of the salary levels, because that scale is broad-banded to include a number of officers at different levels of responsibility. For this reason and for also the reason that promotion takes place across Service barriers in respect of members of this Service, and in virtue

of the policy currently adopted for filling certain posts in the Secretariat and other similar organisations, as explained elsewhere, the promotion prospects in the I.A.S. are considerably better than those in the other Class I Services.

3.1.4 The promotion from a Class II Service takes place to the posts in the corresponding Class I Service. The promotion quota from Class II to the relevant Class I Service varies in the different departments or Services, from twenty-five to fifty per cent of the vacancies arising in the Class I posts. As a result, depending on the occurrence of vacancies in the Class I posts, the promotion prospects of Class II Services vary considerably. Generally, a Class II officer has to wait for a long time for promotion to the Class I post. This long waiting period often saps his energy and enthusiasm. There are also different practices obtaining in different Services as to the grade in Class I Service to which promotion is made from the relevant Class II Service. In some 'Services' promotion is made only to the junior scale in Class I posts and in some others direct to the senior scale in Class I posts. Further promotion to posts in the Class I Service depends on the overall seniority assigned on promotion to the Class I cadre. As things stand at present, most of the promoted officers may eventually retire from

CLASS II
SERVICES

a position in the senior scale in Class I Service. Those who are not promoted to the Class I post may rise to a higher position, perhaps, just at the far end of their career to a selection grade in Class II service, if any, provided. If no such selection grade exists a person in Class II Service who does not get a promotion to the corresponding Class I Service may generally have to spend his entire official life in one scale of pay. The promotion prospects for officers of Class II Services including those directly recruited to it, present features of disparities between one Class II Service and another Class II Service, similar to those existing between one Class I Service and another Class I Service.

CLASS III SERVICES

3.1.5 The Class III Services, like the Class II and Class I Services, are made up of separate large segments of employees, each with its own recruitment system, salary structure and promotion avenues leading to the appropriate Class II Service and thence to the Class I Service through the prescribed promotion quotas. Promotion from Class III Service to the relevant Class II Service is subject to the fulfilment of the requirements and conditions prescribed in the rules for promotion. The Class II Services, particularly in the non-technical fields, are generally filled wholly by promotion from the

respective Class III Services. In some Class II Services, a certain proportion of the vacancies is filled by direct recruitment and the rest by promotion from the Class III officers. In such cases a fixed percentage of the vacancies, usually 50 percent, in the Class II posts, is reserved for promotees from the appropriate Class III Services. The promotion quotas prescribed may vary from Service to Service and may be different in each State. As the base is large in each Class III Service and as the number of posts in the relevant Class II category is limited a large number of members of Class III Services may not get promoted at all to Class II. For them, there are, of course, limited promotion avenues within each Class III Service itself. A greater part of the career of a person in Class III may thus have to be spent in the entry grade itself. This has naturally led to a great deal of frustration. The consequences are a general indifferent attitude towards work and poor output,

3.1.6 Among the Class IV Services there is practi- CLASS IF
cally no promotion from Class IV to Class III Service. SERVICES

The notable exceptions are in the Posts and Telegraphs and the Railways at the Centre. The structure of Class IV Services at the Centre provides for at least one level of promotion within that Service itself. In operative offices such as the Posts & Telegraphs, Railways,

Defence Production Organisations, etc., the Class IV staff perform certain specific functions. In other offices they are utilised for delivery of files and messages, papers, letters, dusting tables, chairs etc.

LIMITED
PROMOTION
PROSPECTS

3.1.7 In the pre-Independence period, a civil servant during his career, moved up to three or four levels above the level of entry. The average post-Independence entrant can at the most expect to rise only by two levels above his level of entry. There may be a few exceptions who may move by three or four levels above the level of entry. Besides, our administration presents the most pathetic sight in that many have to linger on for 17 to 18 years before they can expect promotion to the next level. In the non-gazetted group it is not an uncommon phenomenon that many employees retire from the same post at which they started their career, years ago.

SELECTION
GRADE

3.1.8 The Second Pay Commission considered the question of providing promotion avenues to persons in lower grades, where the proportion of promotion posts was small. They had recommended the creation of a selection grade at 10% of the total number of the lower posts in grades, where the proportion of promotion posts was less than 50% of such posts. They had suggested that these posts would not involve any change of duties and would be filled up on the basis of seniority. This recommendation has been

accepted and selection grade posts have been created in several cadres. Even in the All India Services, such a selection grade has been created. But many Class I and Class II Services have been left out from this benefit. This appears invidious and harsh, especially in the Class II Services. We suggest in the present structure of Services, the creation of such a selection grade posts (at the Centre and at the States) to the extent of 10 percent for the present Class II Services and for the other Services also where according to the principle enunciated by the Second Pay Commission, creation of the selection grade would be justified.

3.1.9 The proportion of posts filled up by promotion varies, depending on the nature of the posts in the higher grades and the Services or categories to which these posts have been assigned. In the Class I Services, generally 25% of the vacancies in the grade to which direct recruitment takes place, are filled up by promotion from the corresponding lower grade. In the All India Services the promotion to senior duty posts is made from the State Services against the prescribed quota of 25%. The same procedure obtains in some of the Central Class I Services, e.g. Telegraph Engineering Service, Class I, where the promotion is made against 25% of the posts in the senior time-scale. In the Central Secretariat Service, the Class I

PROMOTION
QUOTAS

posts are entirely filled by promotion. We feel that in all categories of the All India and Class I, and Class II and Class III Services, the promotion quota for the lower grades, wherever it is less than 50% should be raised to 50% of the vacancies in the grades to which promotion is made. If no suitable departmental candidates against the quota are available, the unfilled vacancies should be added to the direct recruitment quota in each year. But the selection to departmental quota should be made each year regularly.

RECOMMEN-
DATION FOR
ACTION
(9)

3.1.10 We, therefore, recommend as follows:

- (1) Services where promotion avenues are limited should provide for a selection grade at 10 percent of the strength of the entry grade to which direct recruitment is made. Accordingly, some of the present Class II services and other Services should have ten per cent of their entry grade in a selection grade.
- (2) The promotion quota for departmental candidates to higher levels to which direct recruitment from the open market by competitive examination is made may be increased to 50 per cent in cases where the existing percentage fixed for promotion is lower than 50 percent.

3.2.1 We have already suggested that there should be a Personnel Branch in each department or office. This Personnel Branch should be entrusted with the work of framing the rules for regulating the promotion in accordance with the directions and principles laid down by the Central Personnel Agency (CPA). Such rules should be framed in consultation with the Union Public Service Commission/Public Service Commission wherever necessary. The promotion policy evolved should inter alia include rules for (i) sanction of increment/advance increments; (ii) crossing of efficiency bars; and (iii) watching performance after promotion. All promotions should be made on trial basis initially and should be confirmed later, on satisfactory completion of the probation period. Thus, it will be possible to ensure uniformity in the various rules made by the different Ministries and different cadre authorities.

PERSONNEL
BRANCH

3.2.2 At the Centre a Departmental Promotion Committee is constituted for recommending persons suitable for promotion to selection posts. Promotion from a Class II 'Service' to a Class I 'Service' in the Central Government is at present made in consultation with the Union Public Service Commission and the Departmental Promotion Committee for this includes a member of the Union Public Service Commission

DEPARTMEN-
TAL PROMO-
TION
COMMITTEE

for this purpose. For the Class III Services the Departmental Promotion Committee consists of representatives of the Departments only. In the case of some of the Class I Services even for making promotions within the same Service consultation with the Union Public Service Commission is achieved in regard to promotions by virtue of the inclusion of a Member of the Union Public Service Commission in the Departmental Promotion Committee. Similar procedure of associating the Public Service Commission is adopted in the States, not only for Class I Service but also for the Class II and sometimes the Class III Services also. (It may be stated that in the cases of promotions to posts such as Deputy and Joint Secretaries to Government etc., and in the cases of promotion of the All India Services, the Public Service Commission is not required to be consulted.) It is suggested that in respect of higher posts, the Departments may associate a representative of the Central Personnel Agency in the Departmental Promotion Committee that may be constituted, in addition to associating a Member of the Union Public Service Commission/Public Service Commission as followed at present. It is desirable that in the larger interests of the administration Members of all Public Service Commissions should be persons who are not associated

or concerned with any political party in the country.

3.2.3 On account of the considerable expansion of several departments or creation of new posts, sometimes too rapid promotion takes place in certain Services. It is, therefore, recommended that a minimum period of service in each grade should, therefore, be fixed before an official can be considered for promotion to the next higher grade.

MINIMUM
SERVICE
IN A
GRADE

3.2.4 A promotion conferred should be regarded as subject to any order that may be passed on any representation which is made within a month of the ordering of such promotion and/or which was pending at the time of such promotion.

CONFIRMA-
TION OF
PROMOTION
ORDERS

3.2.5 The basis adopted for promotion may be any of the following: (1) Merit; (2) Seniority-cum-merit; (3) Seniority subject to the rejection of the unfit. Posts are classified into non-selection and selection posts. The selection posts are generally in the higher and middle levels and the non-selection posts in the lower levels. Selection posts are generally filled on the basis of merit and/or on the basis of seniority-cum-merit. The non-selection posts are generally filled on the basis of seniority subject to the rejection of the unfit. Non-selection posts generally involve work of a routine and repetitive nature. They may also include sometimes posts involving supervisory duties of such nature.

CRITERIA
FOR PRO-
MOTION

SENIORITY
OR MERIT

3.2.6 The question whether seniority or merit should be the basis for promotion depends greatly on the requirements of the duties and responsibilities to be discharged in the higher posts. Generally, the criterion of fitness must have precedence over the claim of seniority in higher levels. At lower levels where the work is essentially of a routine nature promotion of persons on the basis of seniority subject to the rejection of the unfit may be made. The test of fitness should be related to the needs of the posts to which promotion is made. It must be recognised that civil servant who may be unfit in one post may be good enough for another post of same grade. Every endeavour should be made to give him a change of duties so that he does not remain indefinitely branded as an unfit person.

VIEWS OF
THE ASSOCIA-
TIONS AND
UNIONS OF
GOVT.
SERVANTS

3.2.7 The adoption of the principle of promotion by seniority is being pressed by the Associations and Unions of Government servants because this principle suits the majority of their members. It is advocated as the main safeguard against favouritism, capricious judgement, etc and the suffering and humiliation resulting from supersession by a junior person. It is further argued that it avoids frustration and the sense of uncertainty about promotion prospects and conduces to the improvement of the morale of the cadre as a whole. The advocates of the merit

system argue that the efficiency would be improved only by promoting competent men and unless talent is recognised there will be no incentive for exerting oneself. It is further argued that better-gifted persons are able to absorb experience and judgement more rapidly than others and due weightage should be given to better performance. In the procedures of selection we are suggesting we have endeavoured to ensure that the pitfalls of favouritism, capricious judgement etc.; are avoided in a selection by merit.

3.2.8 Sound promotion policies are inherent in a scheme of position classification based on an analysis of the nature of work and the qualification requirements, suggested by us in Chapter IV. In a series of posts where the nature of duties involves routine and repetitive work, the structure of the cadre should be such that an entrant at the lower grade can normally expect during his service promotion by seniority-cum-merit to higher grades above the entry grade. The expectation of promotion by seniority-cum-merit for new entrants to posts where duties are not of routine nature may not be to that extent as in the posts where the duties are of routine type. It may perhaps be restricted to only one grade above the entry level. All further advancement above this in such cases must at every level be dependent on the performance of the official and his suitability for

PROMOTION
POLICY

holding the higher post. Keeping this in view, we suggest that upto grade 5 of the revised pay plan (vide paragraph 4.2.1) a person who has not secured promotion earlier, may be allowed to move from one grade to the next grade after reaching, in course of time, the maximum in the lower grade, subject to his suitability which may be determined by a trade test. Even if the transitional pay Chart No.II (vide paragraph 3.6.1) be adopted, the same procedure upto the first 10 grades may be adopted. Such a method will ensure that in relatively less important positions one who shows the requisite degree of efficiency will not stagnate at the maximum of the lower grade.

RECOMMENDATIONS FOR
ACTION
(10)

3.2.9 We, therefore, recommend as follows:

- (1) The Personnel Branch in each department should be entrusted with the work of framing the rules regulating the promotion in accordance with the directions and principles laid down by the Central Personnel Agency. These rules should be framed in consultation with the UPSC/PSCs, wherever necessary.
- (2) In respect of the higher posts, the Departmental Promotion Committee should include a representative of the Central Personnel Agency, in addition to a Member of the UPSC/PSC.
- (3) In the larger interests of the administration, Members of all PSCs should be persons who are not associated or concerned with any political party in the country.
- (4) A probationary period should be prescribed for promotion.

- (5) A minimum period of service in each grade should be fixed before an official can be considered for promotion to the next higher grade.
- (6) The promotion should be regarded as subject to any order that may be passed on representations, if any, received within a month of ordering the promotion, or pending at the time.
- (7) Fitness of promotion should be determined on the basis of the requirements of the posts to which promotion is made. Persons who are considered unfit in one promotion post and who may be found good enough for other posts at the same level, should be given opportunity to work in such suitable posts.
- (8) In relatively less important positions to which promotion is made on the basis of seniority, subject to the rejection of the unfit, employees may be promoted, subject to their suitability being determined by a trade test.

SPECIAL
COMPETITIVE
EXAMINATION
FOR PROMO-
TION

3.3.1 The Second Pay Commission recommended a system of promotion by a special competitive examination which would give officers in Class II and III 'Services' an additional opportunity to enter Class I 'Services' to which recruitment is ordinarily by competitive examination. This recommendation has not been implemented so far. The Estimates Committee on Public Services (1965-66) also stressed that a minimum of 10% of the vacancies in the All India and Central 'Services' Class I should be reserved for being filled through a limited competitive examination. They felt that this would attract talented candidates to Class II and Class III 'Services' and also serve as an incentive for better and more devoted work by them. The Committee referred to the practice prevalent till 1962 of allowing persons already in service in lower grades for appearing in the Combined Competitive Examination for recruitment to the respective Class I 'Services' and allowing them an age relaxation by three years. They suggested the revival of this practice. It is regrettable that a retrograde step was taken in 1962 to do away with this arrangement. We suggest that for 10% of the 50% quota for direct recruitment, i.e., for 5% of the vacancies in any of the All-India and Class I Services to which direct recruitment is made by an open competition, candidates already in service in lower grades

should be allowed to compete, irrespective of the department in which they might be working and that they should be allowed relaxation in age limit upto 35 years. They might, however, be allowed only two chances. This special competitive examination may be conducted by the Union Public Service Commission at the Centre. A somewhat similar system is already in vogue in Madras State.

3.3.2 In these days of specialisation there are many segments of administration which require a very high degree of expertise. In such cases, specially trained professionals will have to be inducted into Government service, at middle and higher levels of management. This is necessary where these special skills and techniques by those already in Government service may not be acquired by regular Government employees as they may not come across opportunities therefor in the normal course of their duties. Further, acquisition of these special skills and techniques may not be possible within the age group prescribed for recruitment in cases where these skills and techniques require a longer course of study, training and experience. In order to enable entry into appropriate positions in Government to such talented persons who may be found in private institutions, business and commercial houses, public institutions, e.g., Universities, Private or Quasi-Governmental Research Establishments, Industries and

LATERAL
ENTRY

Trade etc., and who might have become over-aged having spent their early years in pursuit of these special disciplines, and also to those who have had to retire from the defence forces before the age of forty-five, provision should be made in the rules for lateral entry into Government service at different levels. The Committee on the Indian Foreign Service has, likewise, suggested that as diplomatic work is becoming complex and variegated in the world of today, provision should exist for the induction into the Service through over-age entry of a limited number of men with specialised knowledge and experience from outside. That Committee has recommended recruitment in each year of an average of two or three persons out of a total of fifteen, from candidates with high qualifications in the age group between 25 and 35. It has also suggested that the selection should be based on a careful assessment of the qualifications and the past record of the candidate and a prolonged personality test to judge his potentialities for making a good diplomat. It has also been suggested that no candidate should be allowed more than two chances and those selected might be brought on to the senior scale of the 'Service' and given appropriate seniority. We recommend a similar practice for the other 'Services' . This procedure

persons are not available from within the Service. Such lateral entry could also be available to serving government servants through the special competitive examination, we have recommended. Care should be taken that the provision of lateral entry is not misused for disturbing the homogeneity of the cadre or for bringing in persons who may not at all be suitable. This lateral recruitment should be made through the Public Service Commissions. We suggest an upper age limit of 45 for such recruitment. It may be stated that in some of the Class I Services, as for example, the Central Information Service Class I, direct recruitment to a certain percentage of the vacancies is made not only to the basic grade but to the higher grades as well.

3.3.3 As Government has entered the economic and industrial fields in a very large way and the development of basic industries is its special responsibility, it will be desirable to introduce a system of exchange of personnel between the private sector and Government. Temporary assignments of civil servants to a private industrial or commercial house for a short period may be tried on a selective basis. This will enable the civil servant to acquire certain managerial skills which will be useful in managing the public sector undertakings. In this way it may be possible to have training in areas not

EXCHANGE
OF PERSONNEL
BETWEEN
PRIVATE
SECTOR
AND QUASI
GOVT. INSTI-
TUTIONS AND
GOVERNMENT
ESTABLISHMENTS.

available in the Departments and Organisations under Government at present or even in the public sector units. Similarly, Governments may allow the facility of training to suitable employees from the private sector for short period in certain departments. For example, reciprocal arrangements for short deputation of staff between the Defence Department units manufacturing explosives and armaments, and private sector units manufacturing explosives and high precision items may be made, wherever this could be done without jeopardising security or other interests. It may be stated that the need for this type of exchange of experience was acutely felt during the rush for equipment caused by the conflict with China. Further, such deputations would enable Government and the private sector to understand each other better instead of, as at present, looking at each other as if from opposing camps. It may also be stated that the recent practice of taking persons from the private sector who had specialised in certain fields for temporary assignments under Government in certain technical Ministries and Departments has worked well. It may, if necessary, be laid down that during the period of such deputation either for specific assignments or for training purposes between the private sector and Government the concerned employees could continue to draw their salary etc. from their parent organisations.

3.3.4 Likewise we recommend induction into Government service of persons from Universities, or Private or research bodies etc., for short periods in order to utilise the best available talents wherever they are found, to widen the horizon of middle management and top-level personnel.

3.3.5 The question of filling up certain vacancies in certain Services or Posts by deputation from other Services has been considered by us carefully. In our scheme of position classification (Chapter IV) generally posts at various levels will be filled, not on the basis of reservation of deputation quotas for specified Services only but on the principle of merit keeping in view the qualifications, the requirements of the duties and responsibilities of the post. Such being the case the posts which are not filled by direct recruitment from the open market or by lateral entry, or by limited competitive examination will be filled up from among those in the lower grades possessing the necessary qualifications and capable of satisfactorily discharging the responsibilities of the job. Only when persons possessing the requisite qualifications through these sources, are not available the question of filling up these posts by deputation should arise. We visualise, therefore, that generally posts will not be filled up by deputation in offices except in the Secretariat. Even in the

DEPUTATION
POSTINGS

Secretariat the posts upto the level of Under Secretary in the Central Government and of Deputy Secretary in the State Governments need not be filled up by deputation except purely for training purposes and for periods from six to twelve months. Exceptions should be made where technical or specialised knowledge is necessary and the persons available from within the department are not so qualified e.g. Secretariat positions dealing with income-tax, Excise, Customs etc. Posts in purely temporary organisations may be filled by deputation. We feel that the practice of filling up posts by deputation as for example in such organisations, as the Directorate General of Civil Aviation, the All India Radio, Directorates of Education, Agriculture, Health Services etc from other Services should be given up altogether.

DEPUTATION
POLICY

3.3.6 Where posts are filled by deputation, no definite policy has been evolved for deputations of persons. Different departments follow different policies. Even in the same department the policy changes with the change in the personnel at the helm of affairs. Further persons are taken on deputation only from one or two services by preference irrespective of the needs of the post or requirements of the qualifications for the discharge of duties in the deputation posts. There is also the practice of putting the name of a person in circulation if a

suitable posting cannot be arranged for him in the parent cadre, on his return from leave etc. The result is that, to some personnel, deputation is a source of profit while to some it is an irksome change. Uniform percentage or quota is not fixed and consequently persons recruited in the same year to different services find themselves very differently placed in the matter of emoluments, as deputation posts carry generally higher pay.

It should be possible to evolve uniform policy for deputation applicable to all Services and cadres. This policy should lay down the percentage, quotas, periods, areas etc. The Central Personnel Agency should take the lead in this matter and lay down principles which the State Governments should also be persuaded to adopt. The policy should ensure nearly equal deputation opportunities to all to the various areas of administration including the public sector, provided the qualification requirements are fulfilled.

3.3.7 We, therefore, recommend as follows:

- (1) Civil servants working in the lower posts should be given an opportunity to compete in the combined competitive examination held for recruitment to the higher services, such as I.A.S., I.F.S. etc by permitting age relaxation up to 35 years. They may be allowed a maximum of two chances to appear in the examination. Five percent of the vacancies against the direct recruitment quota may be reserved for being filled up by the successful candidates in this examination.

RECOMMEN-
DATIONS
FOR ACTION
(11)

- (2) There should be a provision for lateral entry into Government service of persons with specialised knowledge and experience, from Universities, National Research bodies, Industry and Trade, etc and the open market. Age relaxation upto 45 years may be allowed in such cases.
- (3) Exchange of personnel working at the middle management levels between the private sector, quasi-government institutions, Universities etc and Government organisations may be encouraged in selected field, in order to enrich their experience and understanding of the inter-related problems and in order to bring about better administration.
- (4) No deputation postings other than for training purposes may be permitted in the Central Secretariat below the level of Deputy Secretary, and in the State Secretariat below the level of Joint Secretary. Deputations may, however, be permitted at all levels in cases where persons with the requisite special qualifications and experience may not be available in the services concerned.
- (5) The principles for deputation should be laid down by the Central Personnel Agency indicating the percentage, quotas, periods, areas etc., so that as far as possible a uniform policy is followed in all services and cadres.

3.4.1 The methods usually followed in judging the fitness for departmental promotion may be on the basis of any of the following: (a) an assessment of the past performance of the official, (b) a qualifying test combined with the assessment of the performance or (c) a competitive test, combined with the assessment of the performance. Our recommendations on the methods to be adopted for evaluation of the performance of officials are contained in Chapter VII.

METHODS OF
ASSESSMENT

3.4.2 Fitness for promotion to certain categories of the middle supervisory levels is decided on the basis of a qualifying or competitive test. A qualifying test is generally adopted for promotion in technical services and a competitive test in non-technical services. These tests can be taken by the candidates subject to their fulfilling the conditions prescribed therefor such as the minimum years of service in a particular grade, the upper age limits, the number of chances already availed of and the suitability on the basis of the annual reports etc. In certain categories, a personal interview is also prescribed as a part of the test. For some posts, the inclusion, and the rank in the select list, of a candidate successful in the written test depend on the evaluation of his annual reports. The test includes examination papers

EXAMINATION
AS A METHOD
OF TESTING
FITNESS FOR
PROMOTION

designed to ascertain the knowledge of the candidate in the rules and regulations he will be required to apply in the actual performance of the job. The system of determining the fitness by examination is at present adopted in such areas as accounts, revenue collection, inspectorial and technical services.

We recommend the extension of this method of testing fitness for promotion by examination to as wide an area as possible. We suggest that tests should be evolved by drawing upon the latest advances made in the psychometric methods of testing the supervisory and leadership abilities of the candidates. Pre-examination courses should be conducted for the eligible candidates by the Departments themselves at the cost of the Departments in training institutions.

We have already referred to the recommendation of a sister study team for having an examination for selecting candidates for training in a Staff College for appointments to the levels comparable to the posts of Deputy Secretary to the Government of India.

We, therefore, recommend that the system of promotion by an examination suitably evolved for each type of job should be extensively adopted by Government at all possible levels including higher levels immediately upto and including those comparable to the posts of Deputy Secretaries to Government of India and this system should take into account the assessment of the work of the officials concerned on the basis of their annual evaluation reports also. It should be extended to still higher levels in due course.

SELECTION ON 3.4.3 In some categories at lower levels in the
THE BASIS OF
MERIT AS WELL Secretariat and Departments like the Posts and
AS SENIORITY.

Telegraphs, Railways, etc., a certain percentage of the promotion posts is filled on the basis of seniority-cum-fitness:

and the rest by selection from amongst the employees.

We recommend the continuance of this procedure as it strikes a balance between seniority and merit.

3.4.4 We have considered the question whether any representation from aggrieved officials against non-selection to promotion posts should be entertained. Normally no representation can lie against supersession in the matter of promotion to selection posts. We have elsewhere suggested an elaborate system for the writing-up of the annual reports in as objective manner as possible. We have also recommended in another place that one opportunity for making a representation against adverse entries in the annual reports may be allowed so that it may be possible to rectify any chance error in the evaluation of the abilities of an official. We have further suggested that the overall evaluation should be done at the time of consideration for selection to promotion posts and we have laid down broad criteria for rating outstanding performance. In view of these, we feel that there may not be occasion for any grievance to arise on the score that supersessions have occurred on wrong or incorrect judgement of the abilities of the officials concerned. In order however, to instill confidence among the employees about the fairness of the methods of selection especially when the selection is based solely on the

REPRESENTATIONS
AGAINST
SUPERSESSION

basis of appraisal of their annual reports, we suggest that a representation received on this score should receive consideration in the manner of an appeal. We have separately recommended the appointment of disciplinary and administrative tribunals for dealing with enquiries and appeals.

We recommend that a representative of the personnel branch, a member of the disciplinary tribunal and a senior officer of the department (who may be the deputy head or the head of the office depending on the person whose representation is considered) may be constituted as a team to look into such representations.

In the case of senior officers the levels of the officers who constitute this team should be sufficiently high. It may consist of the Head of the Department, a senior representative of the Central Personnel Agency and a senior member of the Administrative Tribunal.

SENIORITY
AND
SENIORITY
LISTS

3.4.5 On the question of determination of seniority we suggest that the date of appointment in a particular grade on a regular and continuous basis should be the main criterion. Persons confirmed earlier should be considered senior to those confirmed later. If suitable persons are not available against vacancies reserved for a particular category, the vacancies should not be carried forward for long periods, ignoring the claims of officials, who have in the meanwhile been appointed to officiate against these vacancies continuously. Seniority lists of officials should be published periodically. The

seniority lists should clearly indicate the date of birth, the year of appointment or promotion and the mode of recruitment of the official etc.

3.4.6 In many cases, officials from lower levels who are promoted to vacancies in higher grades are treated as junior to direct recruits of subsequent years to these grades following blindly the ratio prescribed for promotion even after the former perform their functions satisfactorily for years in these vacancies. This practice affects morale adversely. It should be laid down that a promotee who works in a higher cadre satisfactorily for a number of years on a continuous basis should generally get seniority from that date and should get all privileges as the direct recruits. Unless this is done it will fail to generate enthusiasm for work. To promote a person to a higher grade and then to call him junior to those who enter that grade after years is negation of a good and sound personnel policy.

3.4.7 There is as much need for imparting training to those promoted to new positions as to the new entrants. The training may be on-the-job or off-the-job in a separate training class, depending on the nature of work. Where the work involves application of laws, rules and procedures with which the employee has not been familiar, an

TRAINING

off-the-job training course for a fixed period should be arranged. In addition on-the-job training may be necessary. As the conditions of work are changing fast, it is necessary to introduce refresher courses periodically for those already in service. Training programmes for specific work assignments such as vigilance, personnel and inspection functions should also be developed for improving the efficiency of these important staff agencies. We have elsewhere suggested that all Class I officers should be given three months training as magistrate either giving them independent charge or attaching them to a magistrate. This will enable them to get acquainted with procedures regarding marshalling of evidence, enquiries etc. For the supervisory staff, a course in the Staff Colleges and Management Training Institutions at regular intervals should be made compulsory for developing their administrative talents and the leadership qualities. They should be generally given study leave for undergoing courses in Universities and Institutions to equip themselves with skills and knowledge which will be useful to them in their official careers.

In making the recommendation regarding the training of civil servants we wish to emphasise that the training of the Government servants remains neglected primarily due to the indifferent and

conservative attitude shown by the Heads of department towards training programmes. The period spent on training is considered by many of them as waste of time and money. Many others find it difficult to release the persons selected for training because they claim that their branches and sections are already understaffed and substitutes cannot under the rules be engaged. Consequently, the training programmes do not become a success. On the contrary Heads of departments should look upon them as essential and indispensable for the building up of the manpower under them. They should show personal interest and display greater initiative to get persons working for them trained in suitable courses available at a given time. They should also, encourage their staff to avail of the study leave facilities for taking up advanced studies.

3.4.8 In France and Japan the tests in the competitive examinations include a test for physical fitness. There does not seem to be a strong case for such a test in India, but this matter should be further considered by Government. The training course for the successful candidates for some services perhaps includes horse riding as the only item which can be considered as one of physical training. In view of the larger number of civil servants engaged in field operations, especially, under the plan schemes,

PHYSICAL
TRAINING

it is necessary to include in the training of the successful candidates a very vigorous course for physical training which may include, besides horse riding, swimming, track events such as running and fast games, such as hockey.

RECOMMENDATIONS FOR ACTION

(12)

3.4.9 The following are recommendations for action:

- (1) Qualifying or competitive tests as methods for testing the fitness for promotion may be introduced not only at the lower levels but also at the higher levels, immediately upto and including those comparable to Deputy Secretaries to Government of India. The tests should be evolved on scientific lines based on psychometric methods used to assess the supervisory and leadership abilities. It should be extended to still higher levels in due course.
- (2) Certain promotion posts are filled partly on the basis of seniority-cum-fitness and the rest on merit in the secretariat and Departments like the Railways, Posts and Telegraphs etc. This system may be continued at the lower levels.
- (3) There should be in each Department a machinery for considering the representations against non-selection to promotion posts. A senior officer of the department, a member of the disciplinary tribunal and a representative of the Personnel Branch may constitute this machinery. In the case of senior officers, this machinery should constitute the Head of the Department, a senior officer of the C.P.A. and a senior member of the Administrative Tribunal.
- (4) Seniority lists in each service should be periodically published. The principle for determining the seniority should be clearly laid down. Seniority should generally be determined on the basis of regular and continuous working in the grade concerned.
- (5) Suitable short term training courses should be arranged for officers promoted in order to fit them into their new responsibilities.

- (6) All Class I officers should be given a short course of training with, or preferably as Magistrates to give them a working knowledge of the procedures regarding enquiries, recording evidence etc.
- (7) The supervisory staff should, under a regular procedure, be periodically sent to the Staff College and management training institutions for short courses in order to develop and refresh their managerial and administrative talents. They should be encouraged to take study leave to equip themselves with additional skills and knowledge.
- (8) The Heads of Departments should be called upon to display greater initiative and interest in getting the staff working for them, trained in the various training facilities, available to them. They should also encourage them to avail of the study leave facilities to go for advanced or specialised courses in their respective fields of work.
- (9) Physical training should also be given a place - though a small place - in the scheme of training of officers.

3.5.1 Promotion involves movement from one salary level to a higher salary level. The structure of salary scales is an important factor in promotion policies. There has been cases where persons have refused promotion because of the inadequacy of the extra monetary compensation on promotion and other factors such as transfer to a distant place etc. We have dealt with the question of transfer in a later chapter. We now discuss salary scales.

SALARY
STRUCTURE

3.5.2 The salary scales during the British rule were designed with an expatriate ingredient in mind especially in the management levels of the services. The differentials built into the pay structure in the pre-Independence period have coloured the salary scales prescribed after Independence. As the Indian Civil Service has been replaced by the Indian Administrative Service, the latter has inherited many of the special features of the Indian Civil Service. The maximum of the career grade of the Indian Administrative Service or that of the Indian Foreign Service (i.e. Rs. 1800 per month) which generally is reached by every member of the Service in about 22 years as a matter of course is the minimum of the senior Administrative Grade of the other Class I services which is accessible to a small proportion of their members and that too only after a process of rigorous selection.

Similarly, the selection grade for the IAS and IFS corresponds to the scale of the Heads of the Departments in many of the other services. In the States, the gap between the pay scales applicable to the State Services in Class I performing administrative functions similar to those performed by the Indian Administratives is still wider. A typical junior time scale in the State applicable to its higher services is Rs. 350-25-550-30-700.

3.5.3 We have referred to the use of different salary levels in promotion policy. The incremental salary scale is prescribed for all the services in the initial and the higher levels. The tendency of regarding progression along an incremental scale as a normal condition of service, rather than a reward for satisfactory work in the past, or as an incentive to better service in the future has come to stay. A long-time scale is generally prescribed for an entry grade and a short one for the promotion grade. The factors taken into account in determining the pay structure are the minimum general educational qualifications prescribed, the special qualifications and training necessary for holders of particular offices, and the nature of duties and responsibilities of the job. The principles of (1) giving a living wage for the lowest full time employee, (2) keeping

PRINCIPLES
OF SALARY
DETERMINA-
TION

the maximum salary within a reasonable ceiling consistant with the essential requirements of recruitment and efficiency and (3) maintenance of a certain amount of relativity between the rates applicable to employees in Government and in the private sector only upto certain levels, are also kept in view. But certain shortcomings in the existing pay structure require close critical scrutiny and remedies.

DEFICIEN-
CIES IN THE
PRESENT
SALARY
STRUCTURE

The concept of an acceptable 'career' necessitates the payment of a remuneration rising with increasing age and domestic responsibilities. Except in cases where the duties and responsibilities of a post are distinctly higher, the pay scale attached to the posts should be uniform when the qualifications and the mode of appointment remain the same. The determination of the relative importance of different services especially at the higher levels at present is complicated in view of the nature of the various factors involved in it such as the conditions of status and social values, the necessity to conform to the inherited system of services, the historical development of services etc being not quite amenable to precise measurement. These factors give rise to pulls and pressures and a rigorous application of the concept of equal pay for equal work for both men and women as enshrined in Article 39(d) of the Constitution

to the determination of the pay structure becomes consequently difficult for the entry level in certain services. Many of the pay scales are long. The prescription of long pay scales leads to inclusion of jobs involving very dissimilar quantum of work and responsibility in one level. As a result, the total cost to the administration is disproportionate to the benefits derived. Persons of average ability are allowed to draw increments as a matter of course in these long scales and reach a high maximum. Further the present salary system is not flexible enough to allow higher pay for those possessing qualifications higher than the minimum prescribed or to provide stimulus to the better and more gifted persons. For example, a graduate and a post-graduate, working as clerks start at the same pay as a matriculate clerk. These act as disincentives. There are also large variations in the length of the pay scales prescribed, the percentage increase in the increments, and the minima and maxima of the pay scales. These introduce an element of unhealthy inter-Service jealousies. Some typical pay scales are examined below to bring out the various points of disparities involved:

Grade	Min.	Max.	Length of scale in yrs.	Average incre- ment as percent of the min.	The max. as percent of the min.
LDC (Sectt.)	110	180	19	3.6	164%
UDC (Sectt.)	130	280	21	5.4	215%
Assis- tant	210	530	22	7.0	253%
Class II	400	900	17	7.5	225%
Class I	400	1250	21	10.1	313%
*IAS/ IFS	400	1800	22	16.00	450%

(*Even though there are Junior and Senior Scales 400-1000 and 900-1800, the scale 400-1000 is treated as only a probation and training grade and the candidate is promoted to the senior scale in the sixth year or earlier.)

Even though the promotion grades should generally be shorter, many of the promotion grades are long; ((e.g. the grade for the U.D.C. is a promotion grade for the L.D.C.). The percentage increase in the average increment and that in the maximum of the pay scales are comparatively high in the case of the superior services. In the case of the IAS and IFS the maximum is the highest as much as $4\frac{1}{2}$ times the minimum, and generally reached in about 22 years as a matter of course. These Services thus become a protected haven for the average and the mediocre also.

The prescription of separate pay scales for each department has resulted in a multiplicity scales with small and minor variations and a number of overlapping grades. This increases the complexity of personnel administration.

3.5.4 We give a short account of the various pay scales applicable to the various services. The Indian Administrative Service, an All India Service created after the stoppage of recruitment to the Indian Civil Service has the following scales:-

THE INDIAN
ADMINISTRATIVE SERVICE
AND THE
INDIAN FOREIGN
SERVICE

Junior Scale: 400-400-500-40-700-EB-30-1000 (19 yrs.)

Senior Scale: 900-(6th year or under)-50-1000-
60-1600-50-1800 (22 years)

Selection Grade: 1800-100-2000.

In addition, there are posts in super-time scales with pay between Rs. 2,150 and 3,500. The other conditions of this service are regulated by the All India Services rules prescribed for this purpose. In relation to All India Services it has been held by the Supreme Court in Wadhwa's case (A.I.R. 1964 S.C. 423) that a person borne on a junior scale of pay has a right to hold a post on a senior scale of pay depending upon the availability of a post and his seniority in the junior scale of pay. This virtually means that subject to the limitations mentioned as above the appointment to the senior scale in the case of memoers of all India Services is automatic

THE
INDIAN
POLICE
SERVICE

3.5.5 The Indian Foreign Service ranks with the Indian Administrative Service in pay scales and other conditions which make for the status of that service.

3.5.6 The pay scales of the Indian Police Service, another All India Service created after the stoppage of recruitment to the pre-Independence 'Indian Police', are somewhat lower than those of the Indian Administrative Service and Indian Foreign Service. They were originally the same as prescribed for some of the Central Services Class I (created in place of the old Imperial Services); but on persistent representations for their improvement some changes were made with the result that they are higher in certain grades than those applicable to the Central Services Class I. The pay scales prescribed are as follows:-

Junior Scale: 400-400-450-30-600-35-670-EB-35-950.

Senior Scale: 740 (6th year or under)-40-1100-50/2-1250-50-1300.

Selection Grade: 1400

Dy. Inspector 1600-100-1800
Genl. of Police.

Commissioner of 1800-100-2000
Police, Calcutta
and Bombay.

Inspector 2250
General of
Police

Director, 2750.
Intelligence
Bureau

3.5.7 Most of the other Central Services Class I (Non-technical) have the same time-scale of the pay for their basic grade. A few Central Services Class I have separate junior and senior scales. For example, the Indian Audit and Accounts Service and the Indian Defence Accounts Service have the running time-scale of pay Rs. 400-400-450-30-510-EB-700-40-1100-50/2-1250, for their basic grade while the Indian Railway Accounts Service has in its place two scales of pay,

Junior Scale: 400-400-450-30-600-35-670-EB-35-950
and

Senior scale: 700-40-1100-50/2-1250

The scales of pay for the junior and senior administrative and other higher grades for the Central Services Class I are different for different services. They are generally from among the pay-scales given below:

- 1) 1100-50-1400
- 2) 1100-50-1300-60-1600
- 3) 1300-60-1600
- 4) 1600-100-1800
- 5) 1800-100-2000.
- 6) 1800-100-2000-125-2250
- 7) 2500-125/2-2750.
- 8) 3000.

OTHER
CENTRAL
SERVICES
CLASS I

THE CENTRAL SECRETARIAT SERVICES AND THE RAILWAY BOARD SECRETARIAT SERVICES ETC. 3.5.8 The Central Secretariat Service includes posts in Class I and Class II. The Class II posts consist of two categories: Gazetted and Non-Gazetted. Direct recruitment is made only to the grades in Class II. The Class I posts are filled up by promotion. The Railway Board Secretariat Service and the Indian Foreign Service (B) have the same structure. Class I posts have the scale of pay of Rs. 900-50-1250, but there is a selection grade in Class I in the Central Secretariat Service with the pay scale of Rs. 1100-50-1300-60-1600-100-1800.

CLASS I TECHNICAL SERVICES. 3.5.9 The Central Services Class I (Technical) have for their basic grades the separate junior and senior scales of pay, viz.,

Junior Scale: 400-400-450-30-600-35-670-EB-36-950.

and

Senior Scale: 700-40-1100-50/2-1250

For their higher grades, in addition to the scales of pay mentioned in the case of Central Service Class I (Non-Technical) in paragraph 2.2.7, some of them have got the following scales of pay

- 1) 1300-60-1600-100-1800
- 2) A fixed pay of Rs. 2000
- 3) A fixed pay of Rs. 2250
- 4) Rs. 2250-125-2500.

CLASS II SERVICES 3.5.10 The Class II Services (Gazetted), both non-technical and technical, for which direct recruitment is made through the competitive examination have the

basic scales of pay of Rs. 350-25-500-30-590-EB-30-800-EB-30-830-35-900. The scales of pay applicable to the Non-Technical Class II Services in the Centrally administered areas like Delhi, Himachal Pradesh etc., are slightly different.

Civil Service Class II:

300-30-510-EB-30-600-40-720-EB-40-800-50-850, with a selection grade in Class I in the scale of Rs. 900-50-1250.

Police Service Class II:

300-25-475-EB-25-650-EB-30-800, with a selection grade on Rs. 900/- (fixed).

3.5.11 Each department has its own scales of pay for their Class III staff. The result is that the number of pay scales in force run into several hundreds and this is responsible for an almost unbearable burden of avoidable work in the accounting and administration departments. Some typical Central Government scales are given below:-

CLASS III
SERVICES

- 1) 110-3-131-4-175-5-180 - Lower Division Clerk
- 2) 150-5-175-6-205-7-240 - Selection Grade Lower Division Clerk.
- 3) 110-4-150-5-175-6-205-7-240 - Operative Clerk
- 4) 130-5-160-8-280-10-300 - Upper Division Clerk
- 5) 180-10-290-15-440 - Divisional Accountant.
- 6) 210-10-290-EB-15-485 - Supervisory Grade.
- 7) 270-15-435-20-575 - Accountant
- 8) 300-20-450-25-475 - Supervisory Grade.
- 9) 450-25-575 - Supervisory Grade.

3.5.12 The scales of pay applicable to the different Class IV services at the Centre are:-

CLASS IV
SERVICES

- 1) 70-1-80-E3-1-85
- 2) 75-1-85-E3-2-95
- 3) 80-1-85-2-95-E3-3-110

In the States they are generally lower than the above.

STATE
SCALES OF
PAY

3.5.13 In the States the pay scales for posts and 'Services' are generally invariably lower than those prescribed for the comparable posts and 'Services' at the Centre. Further the scales of pay prescribed for the Heads of Departments in the States differ from Department to Department; for example, in Mysore the pay scale for the Director of Agriculture is Rs. 1000-50-1400 while that for the Director of Sericulture, who is not less valuable is Rs. 700-40-900-50-1000. The Mysore Director of Public Health gets Rs. 1200-50-1500. The scales of pay applicable to comparable posts differ also from State to State. Thus the Chief Engineer in Uttar Pradesh gets Rs. 1800-50-2000 but in Madhya Pradesh, he gets the scale of Rs. 1500-75-1800. The following table contains further examples of the utter lack of rationality in the scales of pay applicable to several posts.

SOME EXAMPLES OF COMPARATIVE PAY SCALES IN
STATE GOVERNMENTS

Name of the State	Chief Conservator of Forests (CCF)*	Director of Health Services.	Director of Public Instruction Education.	Director of Agriculture.	Chief Engineer (Irrigation (State Service of Engineers))
1	2	3	4	5	6
West Bengal (1.4.64)	Rs.1800-100-2000.	Rs.1800-100-2000	Rs.2000-125-2250	Rs.1800-100-2000	Rs.2000-125-2250
Uttar Pradesh (1.7.63)	Rs.1500-50-1700	No scale given but present incumbent draws Rs.1850	Rs.1700-50-2000	Rs.1500-50-1700	Rs.1800-50-2000.
Orissa (15-5-64)	Rs.1300-100-1800	Rs.1300-1800	Rs.1300-100-1800	No scale given but present incumbent draws Rs.1300+ S.P. 200.	Rs.1600-100-1800
Kerala (1.1.65)	No pay scale given but present incumbent draws Rs.1500	Rs.1200-1500	Rs.900-1800	Pay scale not given present incumbent draws Rs.900.	Rs.1200-1500
Bihar (1.8.65)	Rs.1300-100-2000	No scale given but present incumbent draws Rs.2000	Rs.1300-100-2000	Rs.1300-100-2000	Rs. 1300-100-2000
Madhya Pradesh (1.9.64)	Rs.1500-75-1800	Rs.1500-75-1800	Rs.1250-1500	Rs.1500-75-1800	Rs.1600-75-1800
Bombay	Rs.2500-125-2750 (IFS)	Rs.1600-100-1800	Rs.2000-100-2100	Rs.1800-100-2000	Rs.2750-125-3000(ISE)
Punjab	NA	NA	Rs.1800-100-2000	Rs.1700-100-2000	Rs.2750-125-3000(ISE)

* The scales given in these columns were those prevalent before the recent constitution of Indian Forest Service. The pay scale for the post of C.C.F. is now Rs. 2000-125-2250.

ISE = Indian Service of Engineers.

DISPARI-
TIES IN
SCALES OF
PAY

3.5.14 Even at the Centre the pay scales are not not uniform for comparable jobs by way of example we may point out that the pay scales of a junior telegraphist in the Department of Overseas Communications Service is Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300 while that of a telegraphist in the Posts and Telegraphs Department is Rs. 110-4-150-EB-5-175-6-205-7-240. (In fact this recently gave rise to a "work-to-rule" strike by the latter.) This is so in spite of the fact that there is hardly any significant difference in the skills required and in the duties for these two categories. There are two scales for Foreman Class I in the Government of India, Presses, as follows:-

Foreman Class I (General):200-10-290-EB-15-380

Foreman Class I : 200-10-280

In the Central Secretariat, the pay scales applicable to the post of a Deputy Secretary is determined with reference to the Service to which the incumbent belongs. If a Central Secretariat Service Officer holds the post of Deputy Secretary in the Central Secretariat, the pay scale applicable to that post is Rs. 1100-50-1300-60-1600-100-1800; if that post is held by an officer belonging to Indian Administrative Service or Indian Foreign Service, the pay scale applicable is Rs. 900-50-100-60-1600-50-1800 plus special pay of

special pay of Rs. 300/-. If it is held by an officer of any of the Central Services, Class I the pay scale applicable is his own pay scale plus special pay of Rs. 300/-. A similar position exists in the State Secretariats also. The posts of Chief or Head Booking Clerks in the Railways are in two scales: One, 250-10-290-15-380 and the other, 205-7-240-8-280. The scales of pay applicable to the clerical staff employed in the Secretariat and to those employed in the subordinate offices at the same station provide another example of this disparity. The scale of pay of an Upper Division Clerk in the Secretariat is Rs. 130-5-160-8-280. But for a clerk in a Divisional Office or in a subordinate office at the same station who does more or less similar type of work the scale of pay is Rs. 110-4-150-5-175-6-205-7-240. Similar difference exist in the pay scales of Stenographers working in the Secretariat and Attached Offices and those in the subordinate offices. The existence of different scales of pay for those working in a Department on comparable work leads to persistent demands for upgrading the scales of pay on one reason or the other. It may be mentioned that till recently differences existed in the scales of pay applicable to the corresponding categories of the staff in the Indian Airlines Corporation and the Air India International. But as a result of an award

recommending parity or near parity in the pay scales of the corresponding staff in these two Corporations a certain amount of uniformity in the pay scales has been brought about. At present the scales of pay applicable to the publicity staff in the External Publicity Department and in the Information and Broadcasting Ministry are those prescribed for the various grades of the Central Information Service. It is understood that a proposal is under consideration to encadre some of the posts in the External Publicity Department in the Indian Foreign Service so that the scales of pay prescribed for the Indian Foreign Service will be made applicable to them also. Hundreds of such disparities can be quoted. Pay Commissions have done much to reduce the burden and the confusion due to the plethora of the pay scales both at the Centre and in the States. In Gujarat and Mysore, Pay Commissions have been appointed recently - in Mysore for the second time. But the confusion remains because an attempt for ensuring uniformity in pay scales at the Centre as also in the States has not yet been made, and is also rendered difficult because of the heavy financial burden involved and the inadequate resources.

NEED FOR
RATIONALI-
SATION OF
SCALES OF
PAY

3.5.15 The existence of variations in some of the pay scales for jobs of similar and comparable duties and responsibilities both at the Centre and

the States, and of the disparities in the pay scales obtaining between one State and another State for the same or similar positions has been a serious disturbing factor in administration. This is one of the major factors for strikes, agitations, inter-service tensions and rivalries, indifferent attitude to work, poor performance frustration and low morale of the employees. Jobs similar in nature and of comparable difficulty, duties, and responsibilities should carry the same scale not only in the Central Government but also between the Centre and the States. We are aware that such a step may impose a heavy financial burden on the States as well as on the Centre. But we feel that this rationalisation should be accompanied by a study of the workload to reduce the overstaffing in many offices. A sister study team has observed that there is generally a tremendous multiplication of agencies and staff all round and that the growth of staff is phenomenal in Government offices. We are of the view that the cost to the exchequer on administration can be considerably brought down as a result of reduction of staff brought about by a rationalisation of work loads and application of rigid standards of work.

- 3.5.16 For a sound personnel management a rationalisation of the pay structure is essential keeping in view the following principles:
- (i) The pay scales for posts of similar or comparable duties, responsibilities and

RECOMMEN-
DATION
FOR ACTION
(13)

difficulty and requiring same or similar qualifications should be identical;

(ii) The pay scales should, as far as possible, be uniform for comparable posts both in the Central and the State Governments.

3.6.1 In the following we indicate the lines on which the existing pay scales may be revised till the scheme of position classification (see Chapter IV) is introduced and the revised pay scales appropriate to each class of positions are prescribed.

INTERIM
PAY
SCALES

Our suggestions have been made keeping in view the requirements of the least possible modifications to the existing pay scales and on this account are somewhat complicated. They can be further revised to bring about simplification in pay administration.

The existing pay scales at the Centre may be cast into the Pay Chart I appearing hereafter. The current pay scales are either the pay scales shown in the chart, or segments of these scales. Consequently, if the departments apply these pay scales as a whole or as segments thereof with the inter-position of efficiency bars at suitable stages, to the existing incumbents it will not affect adversely their present pay and prospects. Subject to these remarks, it will be seen that the total number of different pay scales that are in use at present may be reduced to 31. It may be stated that certain segments of the present pay scales are not at all in force because the employees to whom the pay scales are applicable get promoted much before reaching the maximum or even the middle stage of the

scale, to posts in higher pay scales. For example, in regard to the junior scale 400-400-500-40-700-30-1000 applicable to the Indian Administrative Service and the Indian Foreign Service officers generally the majority of them are promoted to the senior scale 900-50-1300-60-1600-50-1800 before reaching even the stage of Rs. 620/- in the junior scale. In fact the appointment to the senior scale post is automatic and to be made under the rules in the sixth year if not earlier. The segment of the scale 700-30-1000 in the junior scale serves only the purpose of fixation of pay to the higher grade 900-1800. The main reason why a long junior scale is prescribed in such cases at present appears to be for the purpose of - (i) fixation of the pay in the senior scale with reference to the presumptive stage at which the pay of the employee is fixed in the junior scale on his promotion from a Class II Service to Class I; and (ii) enabling the employee in the rare case of his not being promoted to the senior scale to get increments by passage of time. Such position obtains in some other scales also.

PAY CHART NO. I

S. No.	Pay scales	Sectt. & Attached Offices Staff.	Railway staff Work-shop staff.	P&T Offi-ces staff	Staff of other offices & Deptts.
1	2	3	4	5	6
1.	70-1-80-EB-1-85	1	1	1	1
2.	75-1-85-2-95-EB-3-110-3-131	2	2	2	2

1	2	3	4	5	6
3.	100-3-130-EB-3-142	-	3	-	-
4.	105-3-135-EB-4-155	-	-	3	-
5.	110-3-131-4-155-EB-4-175-5-180	3	4	4	3
6.	110-4-170-5-225	-	5	-	4
7.	110-4-150-5-175-6-205-7-240	-	6	5	5
8.	130-5-175-6-205-7-240-8-280	-	7	-	-
9.	130-5-160-6-200-EB-8-255-EB-8-250-10-300	4	8	6	6
10.	180-10-230-15-485	5	9	7	7
11.	210-10-270-15-300-EB-15-450-20-530	6	-	-	-
12.	270-15-435-20-575	-	10	8	8
13.	325-15-475-20-575	7	-	-	9
14.	350-20-450-25-575	8	11	-	10
15.	350-25-500-30-830-35-900	9	12	9	11
16.	400-400-450-30-600-35-950	10	13	10	12
17.	400-40-800-50-950	-	-	-	13
18.	400-400-500-40-700-30 1000	11	-	-	14
19.	425-25-450-30-600-35-950	-	14	-	15
20.	400-400-450-30-510-700-40-1100-50/2-1250	-	15	11	16
21.	675-35-850-40-1050-50-1150	-	16	-	17
22.	700-40-1100-50/2-1250	12	17	12	18
23.	700-50-1250	-	-	-	19
24.	900-50-1250	13	-	-	-
25.	900-50-1300-60-1600-50-1800	14	-	-	20
26.	1100-50-1400	15	18	13	21
27.	1100-50-1300-60-1600-100-1800	16	19	14	22
28.	1800-100-2000-125-2250	17	20	15	23
29.	2500-125/2-2750	18	-	-	-
30.	3000	19	-	-	-
31.	3500	20	-	-	-

The scales at serial No. 5,6,7,8 and 9 can be combined to form a fewer number of rationalised and non-overlapping scales. Similarly, rationalisation can be done in respect of the groups of pay scales at serial Nos. 10,11,12,13 and 14, those at serial Nos. 15 to 24 and those at serial Nos. 25,26 and 27.

If some adjustments involving slight increase or decrease in pay are made in the existing pay scales and if the duties and responsibilities of the posts are classified in accordance with the revised pay structure, much simplification can be effected. Without making extensive changes in the existing pay structure, such a revised structure is attempted below:

PAY CHART NO. II

S. No.	Pay scales	Sectt. & attached offices staff.	Rly. staff work-shop staff, P&T staff.	Staff of other offices.
1	2	3	4	5
1.	70-1-80-E3-1-85	1	1	1
(2.	85-2-95-EB-110-3-125	2	2	2
(3.	125-3-131-4-163-EB-4-	3	3	3
(175-5-180			
4.	110-4-150-EB-5-175	-	4	-
5.	175-6-205-7-240-8-280	-	5	-
(6.	130-5-160-8-240	4	6	4
(7.	240-8-280-10-300	5	7	5
(8.	180-10-290-15-350	6	8	6
(9.	350-15-440-20-540-25-590	7	9	7
10.	400-25-500-30-830-35-900	8	10	8

1	2	3	4	5
(11.	400-50-500-40-700	9	11	9
(12.	700-50-1300	10	12	10
(13.	1300-60-1600-100-1800	11	13	11
14.	1800-100-2000-125-2250	12	14	12
15.	2500-125/2-2750	13	-	-
16.	3000	14	-	-
17.	3500	15	-	-

The revised pay structure in Chart II can be used as a transitional (with less practical difficulties than Chart No. I) prior to the introduction of the pay plan on the model indicated in para 4.2.1. The pay structure in Chart No. II is such that no scale is longer than 15 years. It may be applied to the future entrants to Government service after classifying the duties and responsibilities of the various posts to correspond to the revised grades. For example, the present classification of Lower Division Clerks and Upper Division Clerks may be substituted to correspond to revised grades at serial No. 2 and 3 in the case of Lower Division Clerks, and to grades at serial Nos. 6 and 7 in the case of Upper Division Clerks. The pay of the existing incumbents can be fixed in these new grades at the nearest stage corresponding to their present pay in their existing pay scale. It may be laid down that in the case of existing incumbents there should be no bar to their

moving from the lower grade to the next higher grade. For example an existing Lower Division Clerk who is initially fitted into the grade at serial No. 2 should be allowed to move automatically to the grade at serial No. 3 when he has run through the grade at serial No. 2. Similarly, an assistant in the Secretariat already in service whose pay is fixed in the pay scale shown at serial No. 8 may be allowed to move on to the pay scale shown at serial No. 9 in the revised pay structure, to compensate for the postponement of the incremental stage after Rs. 290/- in the revised grade instead of after Rs. 270/- in the existing scale. The revised grade at serial No. 9 has a higher maximum of Rs. 590/- but it may be laid down in the departmental rules that the maximum for an existing assistant may be fixed at Rs. 540/- in this scale instead of Rs. 530/- as at present. Such adjustments will not lead to any extensive changes to the present salary structure. The groupings for this purpose have been indicated in the chart by double brackets. In the revised pay plan in Chart II the present distinctions within the pay structure of Class I Services have been done away with. These procedures will, no doubt, make the questions of fixation of rather complicated initially but this is unavoidable

in the transitional stage. But we have suggested in our report many changes the effect of which is to rationalise, simplify and reduce work in the offices. The net result will certainly be a considerable reduction in the total work in Government offices with corresponding reduction in staff. When once the position classification is introduced and revised scales of pay to correspond to position classification scheme are prescribed, the revised scales can be applied to new entrants without bringing into use any such complicated methods.

3.6.2 We have stated that the existing pay scales at the Centre can with slight modification be made to fit into two different patterns. In the first pay pattern as stated in the Chart No. 1 vide 3.6.1 above we had attempted to rationalize the existing pay scales by having only 31 pay scales. We have also suggested that further simplification can be achieved as the Chart No. II of the same para. However, we would emphasise here that the principle of 'equal pay for equal work' can be achieved adequately only if we re-classify the service structure both at the Centre and in the States in accordance with the suggestions we have made in regard to position classifications. By so doing, it is possible to offer a more rationalised and suitable model pay plan in which the number of existing pay scales, with slight alternations in their minima and

maxima and rate of increment can be reduced to 12 grades only. We have explained this pay plan at length in the Chapter IV. However, we have reproduced below the various pay scales which fall in this pay plan.

Pay Plan

Grade 1. 70-1-75-EB-1 biennial -80-EB- $\frac{2}{2}$ -90

Grade 2. 90-3-105-EB-3 biennial -120-EB- $\frac{4}{2}$ -140

Grade 3. 140-5-165-EB-5/biennial-175- $\frac{6}{2}$ -193-

EB- $\frac{6}{2}$ -205- $\frac{7}{2}$ -226-EB- $\frac{7}{2}$ - 240
(biennial)

Grade 4: 240-10-290-EB- $\frac{10}{2}$ -300- $\frac{15}{2}$ (biennial)

-360-EB- $\frac{15}{2}$ -375- $\frac{25}{2}$ -500
(biennial)

Grade 5: 500-30-590-660-EB- $\frac{40}{2}$ -700-EB- $\frac{40}{2}$ -820-EB- $\frac{40}{2}$ -900

Grade 6: 900-50-1000-60-1180-EB- $\frac{60}{2}$ -1300

Grade 7: 1300-60-1600

Grade 8: 1600-100-2000

Grade 9: 2000-125-2500

Grade 10: 2500-125/2-2750
(biennial)

Grade 11: 3000

Grade 12: 3500

3.6.3 A pay research Unit should be established in the Central Personnel Agency to give guidance in the matter of evolution of pay scales for both the Centre and the States. The pay policies evolved should be such as to ensure that they secure and maintain the best qualified and competent personnel necessary for an effective and efficient Government service, that as far as possible the salaries fixed for Government employees are comparable with those paid in the private sector for the same levels of work and that every employee is paid no more than what is warranted by the nature of his assignments and the degree of competence with which he performs them.

PAY
RESEARCH
UNIT

It is obvious that in suggesting three pay structures, namely the first which reduces the existing several pay scales into 31 scales of pay; the second, which covers the existing pay scales in 17 scales and the third which recommends only 12 grades of pay to embrace the entire civil service employees in the country, we are only trying to indicate the process, of transition to serve as a suitable guide to those, who would work in the proposed pay research unit. This unit, however, would have continuously to apply itself to the problems of salary administration, from time to time.

3.6.4 We therefore recommend:

- (1) With suitable adjustments in the present salary structure reduction in the number of scales now in force, uniformity in the pay

RECOMMEN-
DATIONS
FOR ACTION
(14)

scales applicable to comparable posts should be brought about.

- (2) A Pay Research Unit should be set up in the Central Personnel Agency. It should apply itself continuously to the task of streamlining the salary administration and of periodically reviewing the pay scales for the Centre and the States.

CHAPTER IV

POSITION CLASSIFICATION:

AN ESSENTIAL TOOL FOR BETTER PERSONNEL MANAGEMENT.

CHAPTER IV

POSITION CLASSIFICATION : AN ESSENTIAL
TOOL FOR BETTER PERSONNEL MANAGEMENT.

THE PROCESS OF CLASSIFICATION 4.1.1 We now turn to describe an essential tool of bureaucratic reorganisation, namely, "position classification". It is a system of classifying posts in public services on the basis of similarities in respect to the essential character of their duties and responsibilities and consequent qualification requirements. In other words, position classification requires identifying and describing the different kinds of work in an organisation, and then grouping the similar positions (that is, the posts) together under specific job titles.

TWO TYPES OF CLASSIFICATION OF JOBS 4.1.2 It is well known that classification is a process of grouping objects alike in one or more characteristics in classes, e.g., classification of foods in grocery stores, books in libraries, chemicals, plant families, etc., in the sciences. There can, however, be several criteria for classification. Since things are alike or different in more than one respect, they lend themselves to classification on more than one basis. All over the world, the Government posts have been classified by two well-known methods. The first is the traditional way, in which public servants are

classified in a hierarchical order, according to their rank, in a sense, as in the Army. The classification of the British "Treasury Classes", to which the classification of the Indian Public Services offers a close parallel, is a good illustration of classification by the rank system. Here, we have a classification system which has established the principle of a broad division of work not on the American basis of recruiting persons for individual positions, but on the basis of dividing the work of Government into large blocks for which persons taken from particular stages of the national education system are judged to be best suitable. However, we have to remember that in Britain to-day, the "Treasury Classes" constitute a microscopic minority compared to the bulk of civil servants who belong to various other classes, such as the professional, scientific and the "departmental classes".

4.1.3 The other method is a more modern method by which the posts in the Government are classified according to 'positions' where a position connotes a group of current duties and responsibilities assigned by competent authority, requiring the full-time or part-time employment of one person.

4.1.4 As 'position has been defined as the work consisting of the duties and responsibilities assigned by competent authority for performance by an

DEFINITIONS
OF TERMS

employee or an officer, it is necessary to lay down in writing what is to be done and how it is to be done in respect of each position. Positions that are comparable are brought together into a common group called 'class'. The term 'class' or 'class of positions' is made of positions which are sufficiently similar as to (1) kind or subject matter of work, (2) level of difficulty and responsibility, and (3) the qualification requirements of the work, so as to enable similar treatment in personnel and pay administration. A 'grade' is used to denote all classes of positions which (although different with respect to kind or subject matter of work) are sufficiently equivalent as to (1) level of difficulty and responsibility, and (2) level of qualification requirements of the work to warrant the inclusion of such classes of positions within one pay range. The term 'series' represents classes of positions similar as to specialised line of work (for example, civil engineer, accountant, geologist, etc.) but differing in difficulty or responsibility of work, or qualification requirements and therefore differing in grade.

WHAT
POSITION
CLASSIFI-
CATION
MEANS

4.1.5 Each position should be placed in its appropriate class under the position classification system. Each class should be placed in its

appropriate grade. Thus, we bring together positions which are alike or very closely allied into a class. Positions in a class are closely comparable in duties, responsibilities and needed qualifications, and can be dealt with as a unit for a number of personnel, budget and organisational purposes. We bring together into class series all the classes which are in the same occupational group. Classes in a series form a logical promotion pattern and define the hierarchy of responsibility for that occupational group. We have one more logical grouping, that of grade. We bring together into a grade all classes, regardless of occupation, which are of comparable responsibility. Grades form a logical grouping for the setting of pay scales.

4.1.6 A position classification involves the following steps:

PROCESS OF
POSITION
CLASSIFI-
CATION

(1) Collection of information concerning -

- (a) the duties of the position, viz., the tasks ordinarily assigned to the incumbent;
- (b) the responsibilities of the position, the degree or amount of supervision under which the work is performed, the extent to which the exercise of independent judgment is required, etc.; and
- (c) the knowledge and skill necessary for adequate performance of the duties of the position.

(2) Grouping the positions into 'classes' on the basis of their similarity in terms of

duties, difficulties and responsibilities - i.e., distribution of positions into occupations like accountants, engineers, typists, etc., and then breaking each of them down into the various grades, levels or zones of equal difficulty and responsibility.

- (3) Preparation of the standards or specifications for each class of positions to indicate its character, define its boundaries and to serve as a guide in allocating individual position to the class. The factors taken into consideration are knowledge and skills required to perform the work, decisions that have to be made, variety and scope of the work, intricacy, latitude in determining tasks and priorities, originality required, control and supervision by others, consequences of actions taken, responsibility for planning, responsibility for work of others, etc. A 'class series' is formed by arranging the grades or classes in the same occupation (say civil engineers) in an order, (say junior civil engineers, senior civil engineers, chief civil engineers, etc.)
- (4) Adoption of the position classification plan through a Central Personnel Agency which will promulgate the class standards, allocate the position to classes and provide for hearing appeals on allocation.

4.1.7 The advantages arising out of position classification are that it enables : ADVANTAGES

- (1) the prescription of qualification requirements for posts on the basis of the duties and responsibilities;
- (2) treatment alike in matters of selection, remuneration and other employment processes for posts which are similar or comparable in respect of their duties, difficulties and responsibilities;
- (3) motivation of employees to work effectively and productively;
- (4) an orderly development of career pattern uninhibited by unwarranted restrictions and barriers; and
- (5) facilitation of organisational planning.

Further, this system helps in the achievement of the following :

- (a) by the use of standard class titles it establishes uniform job terminology;
- (b) it facilitates by requiring definition and description of duties the fixation of responsibility in each post and the functioning of the officer oriented system;
- (c) it serves to bring to light the areas of duplication, inconsistency and the like in the work process;

- (d) it facilitates the framing of the budget and requirements of staff in precise terms; and
- (e) it furnishes job information upon which the content of orientation and other training methods can be based.

CLASS
SERIES
DISTING-
UISHED
FROM
SERVICES

4.1.8 The concept of 'class series' is different from that of 'service' in the following respects.

A 'class series' is commonly limited to a single occupation as, for example, geologists, economists, engineers, etc. while 'service' may extend to more than one occupation. Any employee who fulfils the qualifications required for the job can move from one 'class series' to another without hindrance.

In a 'service' such a mobility is not permitted.

A 'class series' describes the posts while 'service' is an attribute of the persons. Persons doing similar work have same title description of their duties in a 'class series'. Persons having same titles may do very different work under the 'service' classification. Promotion prospects and fixation of pay, etc. are uniform under the 'class series' system unlike under the 'services'. The qualifications for holding posts in a 'class series' concept are derived from the duties attached to the post unlike under the concept of 'service' structure. An employee

in the lower grade is a logical candidate for advancement in the 'class series'. But this is not the invariable practice in the system of 'service', as the posts in the higher grades may be reserved for certain 'services'.

4.1.9 Modern position classification does not accept the traditional notion that environmental background and general educational attainment by themselves make a person qualified enough to handle any and every kind of job in the Government. It is thus a science of administrative specification and recommend that specific skills and knowledge be prescribed and accepted for each 'level', 'post' or 'position' in the public service.

THE TWO
SYSTEMS
COMPARED

4.1.10 The main theme of position classification system, therefore, is "fitness for the job is the thing". As a contrast, in our system the theme now is: "Your service, your rank and your seniority are the things that matter. Your knowledge, education, skills, aptitude, ability - all come next". Position classification thus tries to classify public services on the basis of a uniform job language. In position classification system the main objective is to lay foundation for equitable treatment to the public employees by the accurate definition, orderly arrangement, and fair evaluation of positions of each employee in the public services.

DEFECTS OF
THE PRESENT
SYSTEM

4.1.11 Characteristics of a system
which does not follow a position
classification plan.

An administrative system which is not based on the position classification scheme shows some peculiarities of its own. Of these easily noticeable are the anomalies of rank and pay. Such a system would require too many rules and regulations. It may be too dilatory and time-consuming with low productivity and output. Employees under such a system are not getting adequate rewards and compensations and little job satisfaction. Their chances of promotions would be few; and the general loss of morale very high.

In such a system there will be no recognition of the scope for use of specialised skills: everyone would be thought as good enough for any kind of duty. Its training programme would also correspondingly be of a general and non-specific nature. Its officials will have generic titles and their performance is bound to be very erratic. In fact, such a system is not in possession of an adequate tool for measuring performance.

Some examples can help us to illustrate the points mentioned: in them one cannot miss certain peculiar features where, consciously or unconsciously, an exception has been made here

or there, to the intelligent and rational grouping of duties, positions, and pay plan. In such a system we will find cases (a) where there is no correlation between a person's educational qualifications to the job he is performing; (b) where he would bear some title which would not give any meaningful idea as to the actual work he is doing; and (c) where people would get paid differently for doing the same work. We have given a number of examples to point out the irrationality in the present pay scales in paragraph 3.5.14. The following are additional examples.

Example I: In country X, truck drivers in the Road Department are called labourers and paid Rs.10 a day. Truck drivers in the Sanitation Department are called Sanitation Foremen and paid a monthly salary of Rs.286. An employee with the title, Building Manager, is actually working as Private Secretary to a Member of the Board of Supervisors. There are seven entirely different positions called Clerk with salaries ranging from Rs.180 to Rs.540 a month. Country X does not have a functional position classification plan.

Example II: In Department Y there are three officers all designated as Deputy Secretary, and they are doing the same kind of job. But they have been brought on deputation from three different

services: say Indian Administrative Service, Indian Audit and Accounts Service and Indian Revenue Service. Each one of them is drawing salary which is different from the other, although they have put in the same number of years of service in the Government. Clearly, the designation Deputy Secretary does not indicate the functional aspect of their work, and since they are drawing dissimilar pays, the Department Y does not have a position classification plan.

Example III: The Government of India employs nearly 2,000 Section Officers which is the first supervisory level at the Central Secretariat. Whereas each person in this group has been given the same job title, the incumbents do not possess the same qualifications and experience. All of them are not recruited by the same test of ability either.

* There is another interesting rule (Office Memorandum issued by the Ministry of Finance (Department of Expenditure vide F.No.3(26)-Est.III/57 dated the 4th September 1957) according to which, "In the case of an officer of the Central Services, Class I, the special pay should be so regulated that the total of pay plus special pay does not exceed that which would be admissible in the same post to an officer of the Indian Administrative Service with corresponding seniority/length of service. In reckoning seniority/length of service for this purpose, any period of past service in Class I including the service in the Emergency Cadre in Class I should be taken into account. Past service of any other kind should also be taken into account to the extent that credit is given for it in the parent service concerned for seniority".

Further, even if officers designated as Superintendents (which Section Officers are) are performing identical supervisory duties, they would not hold a similar gazetted status, if they were working in an attached office, e.g. A.G.C.R. or, in any of the provincial secretariat. Clearly, the class title of Superintendent or a Section Officer, is misleading, and does not include all officials who should normally be classified on the basis of an equitable assessment of similar duties, difficulties and functional characters of a position . Such a classification cannot help us in developing for such officers a meaningful training programme, either. Clearly, therefore, under such a personnel system we are not functioning with a position classification scheme.

Example IV: In the Government of India there are Research Officers working in the Planning Commission, in the Legal and Treaty Division and in the External Affairs in the Legislative Department and in the Defence Ministry. These officers do have a functional title. It is also clear that their professional job is to carry out research. It is also clear that they would, perhaps, possess similar educational background in their respective disciplines. But these officers do not enjoy the

same service privileges, and, they are placed in dissimilar pay scales. Clearly, the classification of this category is unsound; it lacks clarity and is inconsistent with the criterion of equal pay for equal work. Also, this dissimilarity would create difficulties in the matter of an orderly career development resulting in job dissatisfaction and loss of morale.

Designation	Department/ Ministry	Pay scale	Class
-----	-----	-----	-----
Sr. Research Officer	External Affairs	Rs.700-1250	I
Research Officer	Planning Commission	Rs.400-950	I
Research Officer	Legislative Department	Rs.700-900	I
Sr. Research Officer	Defence	Rs.700-1250	I
Research Officer	External Affairs	Rs.350-800	II
-----	-----	-----	-----

Clearly, this mode of classifying the skill of research does not follow the principles of position classification.

Example V: In Railways the designation Booking Clerk is suggestive enough of the duties of its incumbent. But a Booking Clerk placed in Class III has three different pay scales, e.g., Rs.150-5-170-8-240; Rs.150-5-175-6-205-EB-7-240;

Rs.110-4-150-EB-4-170-5-180-EB-5-200. This is a negation of the principles of position classification, since, to have a rational personnel system we should either have a different designation corresponding to each pay scale, or, we should have specific classification of the incumbent's position.

Example VI: It has been noticed that a change in the organisation of work can also bring about a change in the conditions of service and pay scales, even if the officers bear the same occupational title and discharge similar responsibilities and duties. For example, a stenographer bearing the same educational background and technical competence will be paid at higher rates if he works in a Ministry, but would be paid at a lower rate, if he happens to work in an Attached office of the same Ministry. Not only this, even in the same Ministry or a Department the pay scales of the posts of a Stenographer differ with the status of the officers with whom the Stenographer is working. If 'X' attached with a Deputy Secretary, moves to a vacancy with a Joint Secretary, he will draw pay on a higher scale. Here his classification changes not because he acquires higher skills

or qualifications, but because he is working with an officer of a higher status. Such a system is, therefore, not following a position classification plan.

Example VII: The following is an example of a somewhat complex regulation which is used in the process of pay fixation. It reads as follows:

"It has been decided in consultation with The Comptroller and Auditor General that where a person goes from post 'A' in his parent department to a post 'B' elsewhere and reverts to post 'C' in his parent department, and post 'C' is higher than post 'A' but not higher than 'B', the pay in post 'C' should be fixed under F.R.22-C with reference to the pay in post 'A', if the pay so fixed is more advantageous than the pay fixed, under the normal rules, with reference to his pay in the post 'B'."

In a position classification plan, there would not be such complicated pay fixation rules; and there will be no necessity for such complex formulae. A man moves to the position for which there is already an assigned salary. Pay fixation takes little time and it can be easily understood by both the employer and employee.

4.1.12 In brief, the drawbacks in our present system may be summarised as below:

- (1) Our system is a morphous. It recognises only very vaguely the necessity of linking qualification requirements, etc.

with the job.

- (2) Civil servants are divided status-wise, let us say, horizontally, into Class I, Class II, Class III and Class IV.
- (3) They are again grouped into two categories - again horizontally - gazetted and non-gazetted. (We have already recommended the abolition of (2) and (3)).
- (4) They are also divided vertically, service-wise, as the I.A.S., etc.
- (5) There is the assumption that people appointed to a Service are, by virtue of their appointment, fit for the jobs they are entrusted with.
- (6) Our classification system does not define the contents of any job in detail. It also does not spell out qualitatively or quantitatively what is expected to be done, and against which standards the performance of an incumbent can be measured.
- (7) It does not help in building up scientific standards on which adequate selection, training, placement, promotion, transfer, or career development may be organised.
- (8) It serves as the basis for determining

only such incidental administrative tasks as the calculations of travelling allowance, leave admissibility, super-annuation allowance and similar matters.

OTHER
COUNTRIES
FOLLOWING
POSITION
CLASSIFICA-
TION

4.1.13 The system of position classification first devised in the U.S.A. is now being used in almost every country in the world, including Britain, Canada, Australia, New Zealand, Phillipines, Thailand and Japan.

THE CANA-
DIAN
EXPERIENCE

4.1.14 The Canadian experience should interest us in India since administration in both these countries started with a common British background. The interesting questions are why Canada abandoned the rank classification and, instead, took to position classification and what its essential features are.

In Canada, the civil service classification system had its origin in the study submitted by Arthur Young and Company of Chicago to the Canadian Parliament in 1919. That was time when there was strong public sentiment in favour of bridling patronage. The merit system, which was intended to relate appointments and promotions to qualifications for the work to be performed rather than to political favour, required a system

of classification which would accurately define each position. Since its inception in 1919, this system of position classification has been administered by the Canadian Civil Service Commission with considerable success. The present condition in India is in many ways analogous to that in Canada in 1919.

4.1.15 To-day public administration at the Centre and in the States is a highly technical and specialised business. In any of these organisations, there is a great need for defining precisely the skills and knowledge required for each position or post, however small or high it may be. Although the Indian personnel system has undergone some changes, it is still basically similar to that established prior to our Independence. It is designed to produce a Civil servant more concerned with form than with substance. To-day's officer should be capable of dealing effectively with both. For this it is necessary that in each administrative agency hereafter we should study the duties, difficulties and responsibilities of every post in order to determine the knowledge, skills and abilities required for the post. This has to be done for all posts from Secretary to the Lower Division Clerk and a specific set of work norms, evolved to enable

THE NEEDS
OF PUBLIC
ADMINISTRATION

a qualitative evaluation of job performance. All this would mean that employees, hereafter, could be placed only in such positions for which they are well qualified and best suited. Position classification necessitates, among other things, making clear to each employee what his official duties and responsibilities are. And once we use position classification as an every-day tool of good management, we will run the administration in terms of specific needs, specific qualifications and specific achievements. Thus, it is intimately linked with concept of efficiency. There is, therefore, an immediate need to abandon the general and broad categorisation of personnel now in force.

BROAD CATE-
GORIES NOT
SUFFICIENT
IN MODERN
PUBLIC
ADMINISTRA-
TION

4.1.16 Advocates of the rank oriented system may ask "what is the harm if the present broad and general categories are retained? In Indian administration we do make use of the principles of position classification while making a selection of the scientific personnel. It is not possible to adopt rigid classification categories and class titles. Instead, one has to take recourse to more flexible titles and broad general categories such as scientists, engineers, technical officers. And if these general class titles are

good enough to describe the technical personnel, then what is wrong with the broad general administrative categories and titles, as they are being used to-day under the rank system? Cannot they be retained also?".

4.1.17 The nature of any classification plan is largely determined by the use which one wants to be made of it. If it is for recruitment and selection of individuals with broad basic abilities who are later to receive extensive in-service training on the job, we can use broad classes. But if the need is to select persons with highly specialised knowledge and skills and if there is little or no training to be given to the employees subsequent to their appointment, we must have smaller groupings or narrow classes.

Broad classes mean fewer classes and therefore fewer examinations to provide eligible lists. In addition, tests can be general, instead of on highly specialised subjects. It is usually easier to recruit for general rather than highly specialised skills. On the other hand, the employees selected from an eligible list for a broad class will very often require considerable training before he can fully perform a specialised assignment, but he may be able to work very well in a more general assignment.

If the name to be selected from a list is limited to only one, for a particular position, a list prepared on the basis of a broad class will not be of much help. Even if more than one name were to be selected, there may be problems if the class is too broad. This becomes a particularly serious matter under a system of promotion by competitive examination. This factor must, therefore, be considered in deciding the breadth of classes to be used. What is needed by Indian Administration, could be provided under a position classification plan: Firstly, most work in the entrance level posts and in lower level posts is specialised. The higher the level of the job, the more general it usually is. Therefore, an Indian position classification plan should provide many specific classes in lower grades; a fewer classes in the higher grades.

4.1.18 In so far as the use of class titles are concerned, a good title has three characteristics:

- (1) it should be descriptive of the type of work;
- (2) it should indicate relative class level or rank; and
- (3) it should be as short as possible.

Without the logical grouping of similar positions under meaningful titles, the legislative body

cannot really know what it is appropriating money for. With meaningful titles, tax-payers, employees and administrators can have a meeting of minds on these matters. Classification surveys have often revealed titles which have no relation to the duties performed. In some cases, high sounding titles(e.g. Senior Analysts) have been used for routine work resulting in excessive salaries and waste of public funds. Sometimes employees with unimportant sounding titles (e.g. Head Clerks) have important but un-recognised responsibilities and consequently unfairly low pay.

Broad general titles like Deputy Secretary, Under Secretary, Section Officer, etc. do not help management in arranging a meaningful development of the employees-training programmes for special skills that they need, nor do they help to organise an imaginative career development plan. All these can be achieved by adopting the position classification system. Such a change-over will enable us to pay greater importance to specialisation through training and imaginative placement policy.

4.1.19 We give below a short description of the various grades in Indian bureaucracy under the position classification scheme we have in mind:
A scheme of position can well form part

OUR SUG-
GESTIONS

of the enactment under Article 309 which we have recommended in paragraph 5.1.19.

Grade 1 (Rs.70-1-75-EB- $\frac{1}{2}$ -80-EB- $\frac{2}{2}$ -90) may include classes of positions where a minimum reading or writing ability not exceeding a pass in the middle school examination may be required. The positions like Sweepers, Farash, Peon, Messenger, Porter, Gardner, Bottle Washers in laboratories, unskilled workers like Helpers in a factory, etc. may fall in this grade.

Grade 2 (Rs.90-3-105-EB- $\frac{3}{2}$ -120-EB- $\frac{4}{2}$ -140) may include the positions like Daftry, Carpenter, Black Smith, Wireman, Machine Operator, Postman, semi-skilled worker in a factory, those who do very simple routine work performed by persons at present in Lower Division Clerical Grade, such as receiving, diarising and despatching dak.

Grade 3 (Rs.140-5-165-EB-5/2-175-6/2-193-EB-6/2-205-7/2-226-EB-7/2-240) may include the persons performing such duties as typing, indexing papers and files, simple accounting duties, such as preparing pay, travel and contingent bills, purchase and accounting of office stationery and equipment, etc. The educational qualifications required for such positions may be a pass in the matriculation examination. The skilled workers

in factories may be included in this grade. Typical posts include those who perform slightly difficult work of the present Lower Division Clerks, and the work of the present Upper Division Clerks, Mechanics, Cabinet Makers, Sub-Overseers of Buildings, Sub-Inspectors of Telegraphs, Telephones, Booking Clerks in Railways, Post Office Clerks, Telephone Operators, etc.

Grade 4 (Rs.240-10-290-EB-10/2-300-15/2-360-EB-15/2-375-25/2-500) may include the positions the educational qualifications required for which may be a pass in a degree course in humanities, arts or science, diploma course in technical subjects or its equivalent. Persons performing duties such as analysis and processing of cases, noting and drafting, etc., supervision of skilled trades, and of office workers, etc. may fall under this grade. Typical posts are Assistants, Technical Assistants, Research Assistants, Hindi Assistants, Scientific Assistants in the Secretariat and other offices, Engineering Supervisors, Overseers in the Public Works Department, Telegraph Masters, Inspectors of Police, Inspectors of Excise, Tehsildars, etc.

Grade 5 (Rs.500-30-590-35-660-EB-40/2-900) may comprise of positions involving the supervision of office work, inspection and scrutiny of operative

and administrative offices, scrutinising and editing of notes, disposal of cases, planning and designing of construction of roads, simple buildings and bridges, etc., research work of some importance in professional scientific or technical fields, etc. Typical posts are Section Officer, Assistant Executive Engineer, Junior Scientific Officer, Accounts Officer, Junior Research Chemist, Assistant Surgeon, Assistant Surveyor of Works, Sub-Divisional Officers, Assistant Commissioners in States, Assistant Collectors in States, Assistant Superintendent of Works, Assistant Superintendants of Police in States, etc.

Grade 8 (Rs.200-50-1000-60-1180-EB-60/2-1300) may comprise of positions involving very difficult and responsible work of technical, supervisory or administrative nature requiring specialised training and experience and intimate knowledge of a specialised and complex subject matter, with latitude for the exercise of independent judgment under general administrative or technical direction. Typical posts will include District Officers, Deputy Commissioners and Collectors in some States, Executive Engineers, Branch Officers, Deputy Directors, Senior Scientific Officers, Under Secretaries to Government of India, Deputy Secretaries to State Governments, Superin-

tendents of Police in some States, etc.

Grade 7 (Rs.1300-60-1600) may comprise positions involving work of unusual difficulty and responsibility, technical, supervisory or administrative, requiring considerable specialised training and experience and leadership abilities with wide latitude for exercise of independent judgment under administrative or technical direction. Typical posts will include Superintending Engineers, Deputy Heads of Departments, Deputy Secretaries to Government of India, Joint Directors, Joint Secretaries to State Governments, Deputy Inspectors-General of Police, etc.

Grade 8 (Rs.1600-100-2000) may comprise positions involving work of outstanding difficulty and responsibility, technical supervisory or administrative, requiring extensive experience, training and leadership abilities with wide latitude for exercise of independent judgment under administrative or technical direction as in-charge of an organisation comprising of more than one division or a somewhat similar organisation with a complex assignment. Typical posts may include the Heads of Directorates in charge of small Attached or Subordinate offices, Joint Heads of Departments, Secretaries to some State Govern-

ments, etc.

Grade 9 (Rs.2000-125-2500) may comprise of positions involving work of outstanding difficulty and responsibility, technical, supervisory or administrative, requiring extended training and experience and demonstrated leadership abilities and exceptional attainments, with very wide latitude for the exercise of independent judgment under administrative or technical direction. Typical posts may include Heads of medium-sized Departments, Heads of medium-sized Attached and Subordinate offices, etc.

Grade 10 (Rs.2500-125/2-2750) may comprise of positions involving work of outstanding difficulty and responsibility, technical, supervisory or administrative, requiring considerably extended training and experience and outstanding leadership abilities and attainments with unusual latitude for the exercise of independent judgment under general policy directions, as the Head of a Wing in a Ministry or Department of the Secretariat or in an equivalent organisation, or a Corporation, etc. where the scope, complexity and difficulty of the activities carried on are of a high order. Typical posts may include Joint Secretaries to the Government of India, or Heads or Deputy Heads of

fairly big departments or Attached offices or Subordinate offices. outside the Ministry, Commissioners of Divisions in the States, Chief Secretaries to State Governments, etc.

Grade 11 (Rs.3000) may comprise of positions the duties of which are to serve as Head of one or more Wings of a Department or Ministry or an equivalent organisation where the scope, complexity and degree of difficulties of the activities carried on are of a very high order and where the work may be of technical, administrative or supervisory nature of exceptional difficulty and responsibility and of great significance to the nation requiring extended training, experience and exceptional leadership abilities and attainments. Typical posts may include Additional Secretaries to the Government of India in a Ministry or Department or some Heads of very important Attached or Subordinate offices outside the Ministry, etc.

Grade 12 (Rs.3500) may comprise of the positions the duties of which are to serve as a Head of a Ministry or Department or an equivalent organisation where the scope, complexity and degree of difficulties of the activities carried on are exceptional and where the work may be of technical,

administrative or supervisory nature of outstanding difficulty and responsibility and of great significance to the nation requiring extended training and experience and outstanding leadership abilities and attainments. Typical posts may include Secretaries to the Government of India in a ministry or Heads of very important Attached and Subordinate offices, or Corporations, etc. outside the Ministry.

4.1.20 The above descriptions have been given here broadly as guidelines only for working out detailed and accurate classes. The description of classes may have to be suitably modified by Government, based on a detailed review of the contents of the jobs and other relevant factors.

4.1.21 We have felt that with twelve grades, we can cover the entire range of posts and services in the Central as well as the state governments, thus ensuring for once uniformity in the whole of the country. Each grade will have its own pay-scales. The result is that just twelve pay scales will cover the entire civil service and these will replace hundreds of pay scales now in force.

(It may be mentioned that in U.S.A. they have only eighteen pay scales for the majority of the Federal Civil Service personnel) One effect of these scales

is to do away with the automatic promotion to the higher grades obtaining at present in the case of the All India Services (vide the decision by the Supreme Court in Wadhwa's case- S.C. No.423 referred to in paragraph 3.5.4) and in the case of nearly all Class I services who get a sudden jump from Rs.510 p.m. to Rs.700 p.m. The case of Wadhwa, referred to, was on the point whether selection by merit was involved in promotion from the junior scale to the senior scale in the All India Services and the Supreme Court held that there was no principle of selection by merit involved at all in such promotions. We feel that there is no justification whatever for the continuation of these privileges which guarantee promotions to the higher services automatically without any consideration of merit.

An exception may be made in the case of civil servants who are a few in numbers, and are specialists in highly technical fields and who cannot, therefore, be transferred from their posts. For such people we may have a 25 years' or even 30 years' time-scale of pay which enables them to keep pace with civil servants elsewhere in regard to the promotions they can normally expect in their respective departments.

SPECIAL
PAY SCALE
FOR SPECIALISTS

4.1.22 In Annexure IV we have given, for facility of reference, some details about the practice adopted in Canada and U.S.A., in regard to position classification.

INSTALLING
A POSITION
CLASSIFICA-
TION SCHEME

4.1.23 A position classification scheme takes time to develop and install. How long it will take depends on the energy with which the programme is pushed, and the number of analysts who are trained and assigned to conduct the studies and prepare the reports. There are a number of steps that must be undertaken.

Step I - Legislation.

As a major new personnel policy, a position classification scheme should be based on a clear legislative mandate. Because the legislation will affect all Ministries and Departments, the drafting of the legislation should be preceded by a series of meetings and discussions with the representatives of the staff unions and service associations and key officials from the Ministries and Departments to explain the purpose of the proposed scheme, the role of the Ministries and the Departments, and the effect of the scheme once it is adopted. With the reactions of the Ministries and Departments fully known, the Union Law Ministry should be asked to draft

legislation under the provisions of Article 309 of the Constitution which could then be circulated for informed comments. The revised draft could then be cleared through the Cabinet to Parliament. Similar steps should be taken by the States in regard to their servants.

Step 2 - Preparation.

Immediately following the passage of the classification legislation, a classification cell under the Central Personnel Agency should be established. To the Cell should be recruited persons with training, or experience that has given them a wide knowledge of occupations. They should be trained in position classification by studying the Indian organisations that have job evaluation schemes and by studying the Canadian and U.S. Governments' position classification systems.

As soon as the Classification Cell staff is trained, it should develop comprehensive plans for the installation of position classification in the Government. The plans should include a schedule of operations, tentative regulations, definitions of grades, and examples of common classes. They should be circulated to the Ministries and Departments for comments. Representatives from all Government unions and employee

associations should be required to discuss them and their written comments should be obtained shortly after these discussions.

The Ministries and Departments would then select persons on their staff in the Personnel Branches who will be assigned to make the first classification study. These persons should be sent to a training course conducted by the classification cell in the methods and techniques of position classification. While this training is going on, the members of the Cell should prepare and publish the tentative regulations, written instructions on how to prepare class and class series descriptions, and a time table.

Step 3 - Survey and Implementation

The Personnel Branch would circulate to all employees in their departments questionnaires asking for descriptions of their work. Supervisors would be asked to comment on the accuracy of the employees' statements.

The Personnel Branch would assemble the job descriptions so as to bring together those with comparable duties. In some cases, it would be necessary to refer back to the employees concerned for obtaining further clarification of their duties and

the flow of work to and from them. Using the definitions of grades, the Personnel Branch would then describe in writing the classes and class series which they have discovered in their departments. These drafts would be reviewed by the Personnel Branch and forwarded to the Classification Cell.

As the tentative class and class series descriptions are received from the departments and Ministries, the Classification Cell would give first attention to classes found in all departments, such as purchasing officer, Steno-typist, Diarist, etc. The Cell would prepare a new tentative standard for these classes based on the data forwarded to them and release these to all departments for further comments and suggestions. Some of these standards might require meetings of representatives from all Ministries and Departments to discuss issues that are raised by the comments.

Next in priority would be the class descriptions for jobs found in most but not all Ministries and Departments. They would be revised and circulated in the same manner.

As soon as members of the Classification Cell have ready revised class standards covering a significant percentage of the Government's

employees, it will prepare and publish a schedule for putting these into effect: the date by which the departments shall assign posts to such classes and the date by which the pay scales for such posts shall apply. The Personnel Branches of the Ministries and Departments will then proceed to allocate to these approved classes such posts as properly fit them. They will notify each employee affected of the allocation, the date it is to take effect and the procedures for obtaining a review of the decision. A representation about the allocation of a post should be heard in the Ministry or Department by the Personnel Branch and forwarded, if necessary, to the Classification Cell for action.

While this activity is going on in the Ministries and Departments, the Classification Cell should be reviewing classes with significant number of employees who are found in only one or a few departments. These should be processed and dates for putting them into effect set in a similar manner. They will, however, go into effect at dates later than the more numerous and widespread classes. The Classification Cell will now be left with a number of classes with a few or even one employee in them. By sampling these, the Cell will decide whether or not the Personnel Branches

have been classifying the position correctly and whether they need further training in writing class descriptions and in allocating them to grades. The Classification Cell will delegate to the Personnel Branches the power to allocate classes to grades upto a certain maximum. (For example, with 12 grades the Cell might authorize allocating responsibility up to the 9th or 10th grade). The Cell would then proceed to assign classes in the top levels to grades and notify the departments of their action.

Step 4 - Maintenance.

The Cell would now publish its regulations on the classification scheme and standards for classes which affect all agencies or a significant number. Personnel Branches would allocate new posts to appropriate classes and grades subject to post audit by the Classification Cell.

Cell staff would continue to review classes in which only few posts are to be found and proposals for new classes. The Cell staff would also now begin its inspection process.

Members of the Cell would go in turn to each Department and Ministry after giving wide publicity. They would, on arrival, receive complaints and suggestions from both the employees and the departmental

officers. They would also sample the allocations made by the Personnel Branch of the Ministry. For example, they might review every tenth post to determine the accuracy of the allocation. Any errors in classification would be noted and an order issued by the Cell requiring that it be properly allocated by a specified date. Unless an appeal was made by the employee or the Ministry, the action would be final. Appeals would be heard and action taken by the Personnel Branch. A second appeal to the Cell should be provided.

4.1.24 We understand that a Team of the Indian Institute of Public Administration have undertaken an empirical study of the Department of Family Planning in the Ministry of Health, with the object of determining to what extent the concepts of position classification can be introduced in Government organisations and the extent to which the existing practices and procedures in the existing classification system could be improved by application of these concepts.

During the course of their survey of the Department of Family Planning, about 165 positions were studied and analysed as to their job contents, difficulty and complexity of nature of work involved, supervisory and non-supervisory responsibility at the various levels and the qualification require-

ments of the jobs. The relevant data were obtained through a mixed process of questionnaire and interviews.

As a result of this survey they are reported to have found that -

- (i) the job descriptions in relation to the subject and the work assigned to particular positions had not been drawn clearly and comprehensively and the job description in the manuals were too sketchy and did not spell out clearly all the duties supposed to be performed and the responsibilities devolving upon each position and the inter-relationships of the various positions in the Department.
- (ii) Officers with the same designations (e.g., Assistant Commissioners) were performing jobs of very different nature, and their pay scales were also different, though the responsibilities involved were supposed to be of a comparable level;
- (iii) the designations of the posts did not reflect the job content; that in most cases the technical assistants, for example, were performing duties not dis-

similar to that of Upper Division Clerks,
and,

(v) that in the present system lines of
responsibility and authority were not
clearly drawn.

The I.I.P.A. Survey Team are understood to
be engaged on the work of evolving a set of classes
drafting clear-cut job-specifications and the
determination of grade responsibilities and the
corresponding qualification requirements for each
grade for the Department of Family Planning.

This is a fruitful line of study for the
I.I.P.A., which will help Government to a consi-
derable extent. We would suggest that on the
completion of this work the I.I.P.A. should, in
the light of the findings of the Survey Team, take
up further research studies, so that the results
of their studies would help Government in their
task of introduction of position classification
in all Ministries and Departments, as recommended
by us.

RECOMMENDA-
TIONS FOR
ACTION
(15)

4.1.25 We, therefore, recommend as follows:

- (1) All jobs under the Central and State
Governments held by full-time civil
servants should be classified on the
basis of levels of similar or comparable
difficulty, responsibility and quali-
fication requirements so that the

principle of equal pay for substantively equal work is observed and the differences in the rates of pay paid to different employees are in accordance with the substantial differences in levels of difficulty, responsibility and qualifications requirements of the work, and in accordance with the contribution of the employees to the efficiency and economy in the service.

- (2) The entire range of posts and services under the Central and State Governments can, on the basis of the above classification scheme, be covered by twelve grades, each grade with its own scale of pay.
- (3) An enactment under Article 309 of the Constitution should be undertaken for introducing the system of position classification for all positions in the Government services.
- (4) The Central Personnel Agency should have a Cell staffed with competent and trained officers to implement the position classification.
- (5) A scheme to train officers in the methods of classification should be made and implemented.
- (6) The Indian Institute of Public Administration and similar institutions should be asked to assist the Government in this task by undertaking special research projects.

PAY PLAN

4.2.1 We have attempted to evolve in the pay plan below a model pay plan indicating the pay scales appropriate to the various grades. In drawing up this model we have endeavoured to follow the existing pattern of pay scales with minimum modifications, keeping in view the following objectives:

- (1) to pay higher remunerations for more difficult and more responsible jobs;
- (2) to provide comparable pay scales in all departments and offices for comparable work;
- (3) to motivate employees for greater effectiveness and productivity;
- (4) to reward employees according to their proficiency and to enable them to move to higher positions according to their abilities and merits; and
- (5) to provide remuneration which will attract and retain the outstanding and capable among them.

We have not gone into the question of relativity between the scales of pay in Government and those outside Government.

PAY PLAN

Grade 1: Rs.70-1-75-EB-1/2-80-EB-2/2-90.

Grade 2: Rs.90-3-105-EB-3/2-120-EB-4/2-140.

Grade 3: Rs.140-5-165-EB-5/2-175-6/2-193-EB-6/2-205-7/2-226-EB-7/2-240.

Grade 4: Rs.240-10-290-EB-10/2-300-15/2-360-EB-15/2-375-25/2-500.

Grade 5: Rs.500-30-590-35-660-EB-40/2-900.

Grade 6: Rs.900-50-1000-60-1180-EB-60/2-1300.

Grade 7: Rs.1300-60-1600.

Grade 8: Rs.1600-100-2000.

Grade 9: Rs.2000-125-2500.

Grade 10:Rs.2500-125-/2-2750.

Grade 11:Rs.3000.

Grade 12:Rs.3500.

The scales do not overlap and as a result pay fixation becomes a simple matter. At higher levels the length is purposely made short. Long scales are desirable in lower grades where promotion opportunities are limited. In higher grades it is not a sound policy to prescribe long scales as they encourage complacency in persons appointed permanently to these grades, they being sure of reaching a comfortable maximum by mere passage of time. In these positions where high pressure of work has to be maintained and important questions of administration are dealt with daily, short grades act as good incentives for better performance. Promotion policy should be such that the really competent persons are enabled to get promotions from one grade to another

higher grade even before reaching the maximum in the lower grade. It may also be laid down that the standards for promotion shall be made clear to all employees, so that they may take steps to prepare themselves by obtaining the requisite education, training or experience. In the first four grades where there will be a large number of employees, it is inevitable that many employees will stay in their grade until they reach the maximum of the pay scale. Personnel Officers should bestow special attention on such employees as they approach the maximum, to encourage their development and preparation for further advancement. In the interests of efficiency, such persons should reach the minimum standards prescribed before their advancement to the next grade. The permission to cross the efficiency bars provided in the scales of pay should be granted only after careful scrutiny and assessment, and not as a matter of course. We have suggested biennial increments after the first five annual increments in the scale, so that an official who has been found below the standard of efficiency, should get increments after every two years only. But for those who are found to satisfy the standard of efficiency required in the post, the Personnel Officers should allow the increment on an annual

basis at all stages. Thus the majority of the Government servants would be granted increments annually. By this device it may not be necessary to invoke the provisions of the disciplinary rules for maintaining the prescribed standard of efficiency. In order to ensure uniformity in the scales of pay obtaining in the Central Government and the State Governments, the latter should also adopt these same grades as far as possible. We consider this as a major recommendation of our Team.

4.2.2 For facility of reference we give below the 18 scales of pay from Bureau Director to Messenger in U.S.A.:

U.S. FEDERAL GOVERNMENT

Schedule of Annual Salary Rates within Grade or Class.
General Schedule.

[illegible]

These scales of pay are for the Federal Service Personnel in the U.S.A. We understand all States in the U.S.A. have classification plans. The minimum coverage is for agencies receiving federal grants for health, welfare, children's programmes employment security, civil defence, etc. Most of the States have State-wide pay plans based upon the classification of jobs.

4.2.3 We have not indicated the financial effect of the adoption of the pay plan suggested by us as model. It may mean a sizeable increase of expenditure if applied to the existing strength of establishment; but we envisage that the introduction of the position classification will have the effect of rationalising the workloads and should definitely result in location of surplus personnel which we estimate to the extent of thirty to forty per cent in the total strength of Government staff in many departments. Many jobs which are now over-paid should also be classified in the appropriate grade resulting in less expenditure in due course if and when these jobs are assigned to the future entrants, although the existing incumbents may have their present pay protected. We have already suggested that the disposal of surplus personnel should receive urgent attention of Government. It should

be possible to accommodate the greater part of the surplus staff against the increasing demand for additional staff for expanding activities of Government, without resorting to fresh recruitment.

4.2.4 We realise that the revised pay plan can not be implemented abruptly in one step, as it first envisages classification of all the positions in Government on a scientific basis which the Central Personnel Agency would have to undertake. As stated before, classification of position will, no doubt, result in location of redundant posts and surplus personnel. The deployment of the surplus staff may raise implications on account of the existing service conditions and the relevant laws, rules and regulations. No doubt, reduction in rank might cause legal difficulties, but there is no legal objection to a post being abolished bona fide on the ground of redundancy or on some similar ground. When an officer is appointed to a higher post on an officiating basis, the appointment is ordinarily made temporarily with a view to seeing whether he is suitable for the post. If Government find him unsuitable and therefore revert him to his original post held by him substantively, there cannot be any question of reduction in rank within the meaning of Article 311(2) of the Constitution. Likewise, when an officer is reverted to a

STAFF RE-
ADJUSTMENT

lower post substantively held by him on the abolition of the higher post held by him in an officiating capacity, there is no question of reduction in rank within the meaning of the said Article. When a post is abolished, that virtually amounts to discharge of contract and the officer cannot have any claim against the Government, whether he holds that post in a substantive capacity or in an officiating capacity. As a practical step, we suggest that where the changes proposed to be made adversely affects the conditions of service of the existing persons, and where legal difficulties are likely, they may be allowed to retain their existing conditions of service, so long as they are continued in service. It may, however, be stated that though there is some difference of opinion amongst the High Courts on the subject, the preponderating view is that the alteration of conditions of service can be made by rules to the disadvantage of a Government servant and that there is nothing in the Constitution guaranteeing a Government servant the same conditions of service which were offered to him at the time of his recruitment. However, there can be no objection to the alteration of conditions of service to the disadvantage of a Government servant by a law enacted by Parliament or a State Legislature.

4.2.5 We suggest further that recruitment to the

various 'services' in the Government should hereafter be made in such a manner that legal doubts are avoided and no vested right for any particular 'service' is created as at present. For this purpose, it may be laid down that it is not necessary to specify, as done at present in the recruitment rules, that a particular service is entitled, as a matter of right, to be considered for promotion to certain particular higher posts encadred in the 'service'. It may be sufficient to stipulate that recruitment is made to a particular grade and there are posts in higher grades under Government for which the candidates recruited may, along with others, be considered on the basis of their suitability. That is to say, the prospects and promotions assured in advance in the way it is done now in the recruitment rules should be discontinued.

4.2.6 We, therefore, recommend:

RECOMMENDATIONS
FOR ACTION

- (1) Appropriate pay scales for each grade should be prescribed for the twelve grades evolved in the position classification scheme. Thus, twelve pay scales would cover all the posts and services under the Central and State Governments, resulting in uniformity in the whole of the country, and replacing the hundreds of pay scales now in force. Even though increments in many of these pay scales are provided biennially, after

(16)

the first five increments, they should be allowed annually to those who reach the prescribed standard of efficiency in work.

- (2) Each existing permanent civil servant may be given an option to retain his present scale. The future recruits (both temporary and permanent) must all come under the new scales, as a result of the position classification.
- (3) The rules and conditions of recruitment of Government service should be modified to suit the new service conditions and pay structure.

CHAPTER V

CONDUCT RULES AND DISCIPLINE

CHAPTER V

CONDUCT RULES AND DISCIPLINE

CONDUCT RULES
AND FUNDA-
MENTAL RIGHTS

5.1.1 By and large conduct rules now in force are based on what they were in 1947. They continue to exist under Article 313 or derive authority now under Article 309 of the Constitution like other conditions of service.

5.1.2 The present state of the conduct rules is not at all satisfactory. Some of them were not in conformity with fundamental rights guaranteed by Article 19 of the Constitution and a number of court rulings have struck down rules which came to be challenged. Patchwork attempts had been made from time to time, as exigencies came up, to give new form to the rules. But these revisions have not been of much help. To meet serious situations occasioned by breaches of discipline Governments have been stampeded into imposing new measures such as the recent U.P. and Mysore State ordinances against strikes (later passed as Acts) and the Central Government's Police Forces (Restrictions of Rights) Act of 1966. These last-minute measures have not been of much help. Undeniably, discipline is on the wane and this has contributed in no small measures to the inefficiency in the disposal of Government work.

5.1.3 Civil servants are entitled to fundamental rights in the same measure as any other

class of citizens are. Restrictions placed on their conduct must satisfy the same limitations of law-making as applicable to any citizen or class of citizens or even to the Press. To cite extreme instances, if as in the case of Superintendent of Central Prison Vs. Lohia (A.I.R. 1960, S.C. 633), the Supreme Court held that a citizen had the right to advise people not to pay taxes, a civil servant might urge that same right in that same measure, although a conduct rule seeks to prevent him from doing so. A court of law may not, however, agree with this and may regard a restriction in this respect as reasonable. If again, criticism of a Minister (and therefore, of the Government also) or a slogan against a Minister was held to be within the bounds of the fundamental rights of a citizen in the case of Kartar Singh Vs. State of Punjab, A. 1956, S.C. 541, it may be urged that such utterances by a civil servant might also be within bounds, inspite of a rule of conduct which asks him not to do so.

5.1.4 Rules of conduct are ultra vires the Constitution if they do not satisfy the limits of restrictions specified in clauses (2) to (6) of Art. 19. Situations might arise in which the present day rules of conduct might be so held to be ultra vires. In the oft-quoted case,

Kameshwar Prasad Vs. State of Bihar, A.I.R. 1962, S.C. p. 1166, the Supreme Court observed, by way of example, that mere wearing of badges or a silent assembly outside office hours could not be held to be punishable. But these and similar acts might have the effect of undermining discipline. It may be added that the Supreme Court also observed: "By accepting the contention that the freedoms guaranteed by Part III and in particular those in Art. 19(1)(a) apply to the servants of Government, we should not be taken to imply that in relation to this class of citizens the responsibility arising from official position would not by itself impose some limitations on the exercise of their rights as citizens." Thus according to the Supreme Court itself some special limitations on the exercise of Fundamental Rights by civil servants can be imposed consistently with the requirements of Part III.

5.1.5 It is of course correct to say that the rule which was struck down in Kameshwar Prasad Vs. State of Bihar was not precise. It imposed a blanket ban on all demonstrations and was clearly not sensible even as a rule of conduct and, further, the rule was vaguely worded. But, to quote an example, anyone will concede that the Conduct Rule No.9 of the Central Civil Services (Conduct)

Rules, 1964 which restrains a civil servant from criticising Government policy in a manner which embarrasses the relations of the Central Government with another State is a most sensible rule of conduct. The test of the applicability of this rule to a civil servant cannot, however, be in any way different from the test of the applicability of that same rule to a citizen who is not a civil servant. There can then be countless situations embarrassing to Government or involving adverse comment or effect on Government policy as a result of breaches of this rule; but these breaches may not be covered by the relevant conduct rule when put to the test. In this connection we may refer to *Krishnan Vs. Central Telegraph Office* (1954) 58 CWN 1926, decided by the Calcutta High Court in which 'embarrassing' Government by adverse criticism was held to be too vague.

5.1.6 The main difficulty is that while Government looks at the conduct rules from the point of view of discipline, the Courts would look at them only from the point of view of individual rights, and reasonableness of the restrictions. So long as the Constitution gives practically the same rights to civil servants as to any other citizen or class of citizens, this vagueness may operate to the detriment of the conduct rules. In

the Kameshwar Prasad case, the Supreme Court observed:

"In the first place, we are not here concerned with any rule for ensuring discipline among the police force.....".

"If one had to consider the propriety of the (impugned) rule as one intended to ensure proper discipline apart from the limitations on law-making in a Government servant and in the context of the other provisions made for the making of representations and for the redress of service grievances, and apart from the limitations imposed by the Constitution there could be very little doubt nor would it be even open to argument that the rule now impugned was both reasonable and calculated to ensure discipline in the Services and in that sense conducive to ensure efficiency in the Service."

But the limitations are too wide: the Constitution seems to confer a measure of protection on civil servants which, by the mere fact of the continuance of the Conduct Rules after 1947 was, perhaps, not anticipated at the time of the enactment of the Constitution.

5.1.7 In the same case of Kameshwar Prasad the Supreme Court pointed out the difference between American and Indian standpoints from which it may be probably inferred that our Constitution confers more rights on civil servants than was, perhaps, ever intended; the Court observed with reference to the American decisions placed before it:

"As regards these decisions of the American courts it should be borne in mind that though the First Amendment to the Constitution of the United States reading 'Congress shall make no law.....abridging the freedom of speech.....' appears to confer no power on the Congress to impose any restriction on the exercise of the guaranteed right, still it has always been under-

stood that the freedom guaranteed is subject to the police power - the scope of which, however, has not been defined with precision or uniformly. It is on the basis of the police power to abridge that freedom that the constitutional validity of laws penalising libels, and those relating to sedition or to obscene publications, etc. has been sustained. The resultant flexibility of the restrictions that could be validly imposed renders the American decisions inapplicable to and without much use for resolving the questions arising under Art. 19(1)(a) or (b) of our Constitution wherein the grounds on which limitations might be placed on the guaranteed right are set out with definiteness and precision."

The last sentence of the above paragraph in fact spells out Government's problem awaiting solution.

The limitations imposed by the Constitution, therefore, make the drafting of an effective set of rules of conduct and of discipline very difficult. No one would of course suggest a blanket ban on demonstrations or on speech or on expression as was done by the impugned rule of Bihar in the Kameshwar Prasad's case. But a set of rules which can steer clear of clause (1) of Art. 19 would, it appears, have to be quite elaborate and would even then exclude a large area of behaviour which would be lawful and which would yet undermine discipline, such undermining being the result, often, of the cumulative effect of actions and of repetitions of actions which individually are trivial and innocuous. This is a situation which Governments of the future cannot afford to face with any confidence or complacency.

5.1.8 The Supreme Court has held in Golak Nath's case in February 1967 that Parliament has no power now to amend Part III of the Constitution so as to take away or abridge the fundamental rights conferred by the said Part, which includes Art. 19. It would seem, therefore, that rules of conduct have to be framed to the best possible advantage within the limitations as they exist under Art. 19, although no set of such rules howsoever elaborately framed may be either perfectly satisfactory or adequate.

5.1.9 In the course of our enquiries we had occasion to interview many senior officials in the States. The opinions expressed were over-whelmingly in favour of the curtailment of fundamental rights to the extent necessary in the interests of discipline and, therefore, of order and efficiency. Yet, there is a very strong body of opinion which dreads the very thought of touching fundamental rights. In our own Study Team, opinion is sharply divided. Shri R.S. Gae, Secretary to the Union Ministry of Law, Shri R.L. Gupta, Principal of the Administrative Staff College, Hyderabad and Shri R.S. Khandekar, M.P., are firmly and very decisively opposed to the idea of curtailing the fundamental rights of civil servants. In the country too there is this sharp cleavage of opinion. The recent Supreme Court ruling in Golaknath's case and the

hopes as well as apprehensions given expression to thereafter bear this out. In this connection we are enclosing the copies of the letters from Shri R.S. Gae to the Chairman of the Study Team in Annexure V.

5.1.10 A way out has to be found. The Chairman of our Study Team and Shri Dharam Yash Dev and Dr. M.S. Patel, Members of our Team are strongly of the view that fundamental rights should be curtailed to the extent necessitated by the enforcement of reasonable rules of conduct and discipline in so far as civil servants are concerned; they are in fact in favour of a more positive ban under Art. 33 (by amendment of the same) rather than a ban under Art. 19.

5.1.11 We have felt that in these circumstances we should discuss here in detail not only the extent of repair possible without amendment of Art. 19 or 33 of the Constitution but also the alternative remedy of amending the Constitution.

5.1.12 In recent years - or one might say in recent months - indiscipline has taken many forms. Officers have been surrounded in their office rooms by 'gheraos' under circumstances which amount to wrong-ful confinement or wrongful restraint, an offence punishable under the Indian Penal Code. The nature of 'gheraos' has recently been considered

by the Calcutta High Court which has defined a 'gherao' as the physical blockade of a place or a person or persons. The Court has further held that "while 'gherao' is not an offence as such, it becomes an offence when it is accompanied by a wrongful restraint or confinement, or accompanied by assault, criminal trespass, mischief to person or property, unlawful assembly and various other criminal offences used as a coercive measure". 'Gheraos' in this form constitute offences for which swift action both under the criminal law and as a disciplinary measure can and should be taken. It is gratifying to note that demonstrations in the form of 'gheraos' are now on the decline. Noisy demonstrations have taken place in offices, court rooms, and in streets or public places and these have assumed the character of "public nuisance" some of which may be punishable as offences under the Indian Penal Code or under the various Police Acts. Public property has been damaged by acts which again come within the definition of 'mischief' under the Indian Penal Code and therefore, punishable under that code.

5.1.13 Many infringements can no doubt be dealt with as cases under the Indian Penal Code in the Courts of magistrates. But this procedure is beset with some disadvantages. Firstly, in the case of a civil servant who is not removable from his office

except by the sanction of the President or the Governor and who is accused of an offence even though not committed by him while acting or purporting to act in the discharge of his duties, the civil servant may find it possible to delay the process of law inordinately by invoking the provisions of Section 197 of the Criminal Procedure Code and claiming prior sanction of the Government under that section for his prosecution. There have been several such instances. Secondly, the procedure prescribed for criminal cases is itself elaborate and time consuming, often defeating the purpose of the law, and it is understood that this aspect of the matter is at present under the consideration of the Union Law Commission. Thirdly, prosecutions in Courts cannot have the immediate effect of toning up discipline which summary punishments on the spot by departmental officers can have (in the same way as punishments awarded for contempt of court by the courts concerned themselves have). Fourthly, in spite of clear instructions from Government, the power of suspension of civil servants in cases of the type under consideration is not duly and properly invoked. Immediate suspension of civil servants, conviction of a few cases of indiscipline in criminal courts and consequent removal or dismissal of such servants would appear to be some of the effective ways of enforcing discipline in

the civil services.

5.1.14 The remedy will, therefore, lie in replacing the present set of conduct rules by a set of provisions which precisely define breaches of conduct and of discipline in the way "public nuisance" and "mischief" are defined in the Indian Penal Code; in the way breaches such as "unbecoming conduct" etc. are defined in the Army Act, the Navy Act or the Air Force Act and in the way strikes etc. are defined in the recent Ordinances/Acts in U.P. and Mysore in regard to strikes. These rules should also specify the punishments which could be imposed for each breach as in the various Acts referred to above.

5.1.15 The present provisions for enforcing and maintaining discipline are, we may say, perfunctory. They are what they were in 1947 when governmental functions were comparatively very simple. One set of rules - the Conduct Rules - lays down what are breaches of discipline. And a totally separate set of rules - the Classification, Control and Appeal Rules - lays down the punishments which can be awarded and the machinery for holding the enquiries. Technically and legally, the lightest punishment of warning and the severest one of dismissal can be awarded in any case howsoever trivial or heinous. (The Chief Secretary, Madras

mentioned to us a case of a teacher with 30 years' service dismissed for failure to obey an order of transfer just a few months before he was due to retire, when a representation from him against his transfer was pending. In Kerala we came across a case of an Officer suspended because his telephone was used by his wife for her insurance business).

5.1.16. This brings us to the recommendations in the 93rd Report of the Estimates Committee (Third Lok Sabha) in regard to action taken under Article 309 by the Central and State Governments. The Estimates Committee observed that "even though sixteen years have elapsed since the Constitution came into force, Government are still relying on the proviso to Article 309 which was intended to be a transitional provision and have not brought before Parliament the necessary legislation." We quote below in full the recommendations of the Estimates Committee and the Government's reply:

"Serial No.20 in Appendix XII" Para 39 of the Report.

(i) The Committee note that, even though sixteen years have elapsed since the Constitution came into force, Government are still relying on the proviso to article 309 authorising the executive to make rules having the force of law which was intended to be transitional provisional and have not brought before Parliament the necessary legislation. The Committee recommend that Government should bring before Parliament as early as possible comprehensive legislation under Article 309 regulating recruitment and all major terms and

condition of service of persons appointed to public services and posts in connection with the affairs of the Union, such as pay and allowances, leave, gratuity, pension, etc. so that Parliament may have an opportunity to consider them.....

(iii) The Committee also recommend that rules framed by Government in their discretion in pursuance of the provisions of the Constitution or any law made by Parliament governing service conditions of public servants should be laid before Parliament and there should be a Standing Committee of Parliament which should scrutinise these rules and make a report to the House.

REPLY OF GOVERNMENT

(i) Legislation under Article 309 of the Constitution for regulating recruitment and conditions of service of Central Government employees.

Article 309 of the Constitution provides two alternative modes for prescribing the method of recruitment and conditions of service of Government servants, namely (i) legislation and (ii) Presidential regulations. Similar provisions are contained in some other Articles of the Constitution. The legal position is that when the Constitution, provides for two alternative modes for a certain thing, it is not mandatory that one must be preferred to the other or that one is transitory or interim in nature and should be resorted to only for a limited period. The regulation-making power of the President of India under proviso to Article 309 cannot thus be said to be transitory or short term and it is not obligatory on the part of Government to sponsor legislation for regulating the conditions of service of government servants.

While the legal position regarding the enactment of legislation under Article 309 of the Constitution is as explained above, it is true that the public services in India have been largely governed by rules framed by Government. This arrangement facilitates the frequent changes that are necessary in adjusting the administration to the needs of a fast developing society. If each and every aspect of conditions of service of Government servants is bound down by detailed legislation enacted by Parliament, each minor

change would require a new enactment and apart from being cumbersome and time consuming it would also keep the management of the public services in the midst of political controversy. A simple and brief legislation of the type of All India Services Act, 1951, can, no doubt, be contemplated and may be feasible, but it would still leave full rule making powers with Government, the rules being laid before the House of Parliament.

The question really is whether there is any particular advantage, apart from that of Parliamentary scrutiny of rules and regulations in having a legislation. As already pointed out, while a brief legislation leaving full rule making powers with Government is feasible, much of the flexibility of management will be lost, once the conditions of service of Central Government employees come to be regulated by detailed legislation. However, the recommendations of the Estimates Committee are being brought to the notice of the Administrative Reforms Commission who may also like to examine in detail this important aspect of personnel management. In the circumstances, at this juncture, the Government do not consider it necessary to enact legislation under Article 309.....

(iii) Rules framed by Government under the provisions of the Constitution or under any law made by Parliament relating to public services to be laid before Parliament and a Standing Committee of Parliament to scrutinise these rules and make a report to the Houses.

In view of the decision of Government not to bring in legislation under Article 309 of the Constitution to regulate the conditions of service of Central Government employees, the question of placing the rules framed under Article 309 before Parliament does not arise. If, on the advice of the Administrative Reforms Commission, a legislation is ultimately enacted, the rules would come before Parliament in the normal course."

5.1.17. Half the trouble in administering the present rules regarding discipline is because these rules - the Conduct Rules and the Classification,

Control and Appeal Rules - are too brief and too perfunctory to be really useful. There are many loopholes in procedures regarding departmental enquiries, regarding promotions and so on. Class I officers, for instance, have no right of appeal against certain punishments awarded in departmental enquiries against them.

5.1.18 In this connection, we would quote at length the views of the Law Commission of India (p.692, 14th Report). This quotation includes an extract from the Supreme Court's judgment in K.S. Srinivasan v. the Union of India, A.I.R., 1958, Sup., p.432:-

"Another class of disputes in which the validity of administrative action is frequently challenged in the courts are those in which Government servants seek redress for real or fancied violations of their constitutional safeguards or the breach of the rules regulating their conditions of service.

A large volume of case law has developed on this subject and the number of such cases are increasing. This is in part due to the growing complexity and unintelligibility of the rules which have led a judge of the Supreme Court to remark . . . "no one can be blamed for not knowing where they are in this wilderness of rules and regulations and coined words and phrases with highly technical meanings." Instances are to be found in the Law Reports of many frivolous applications. In a number of cases the courts had, however, to intervene because it was found that clear injustice had been done as a result of a deliberate violation of clear and mandatory provisions of the Constitution or the service rules..

The problem presented by such petitions seeking redress in service matters serious consideration. For the reasons already stated we do not favour a curtailment of the jurisdiction of the High Courts under Article 226. At the same time there is danger that if a large number of petitions of this kind continue to be filed, the High Courts may be turned into tribunals for deciding disputes between the Government and its employees.

A simplification and re-drafting of the relevant rules is very necessary. In addition we would also recommend the establishment at the Centre and the States of an appellate tribunal or tribunals presided over by a legally qualified Chairman - and with experienced civil servants as members to which can be referred memorials and appeals from government servants in respect of disciplinary and other action taken against them.

The establishment of such a tribunal or tribunals will serve a double purpose. Apart from providing a speedy remedy in genuine cases of injustice, the existence of a speaking order drawn up by a qualified tribunal will enable the courts to reject all frivolous petitions summarily entertained and only those cases where their intervention is really necessary in view of the importance of the constitutional and legal points involved.

There is also a vast field of administrative action in which an administrative authority may contravene the law without opportunity to the injured citizen to obtain redress, from any judicial authority for the unlawful action of the authority."

5.1.19. We would also mention in this context that a similar position is to be found in Article 105(3) of the Constitution under which privileges etc. of Members of Parliament are to be defined by law and "until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom"

but no law has been enacted although 17 years have elapsed and parliament is still depending on precedents set by the Parliament in England. It is felt that Article 105(3) aims at parliament legislating on the matter of privileges etc. and that the dependence on the precedents set by the House of Commons in England is only transitional. It is understood that this question is at present under the consideration of Government. This then, further, supports our view that the dependence on the transitional rule-making power in the Proviso to Art. 309 should now be terminated and that a law should be enacted by Parliament to replace all existing rules, regulations etc.

It is high time, therefore, that legislation is introduced under the substantive part of Art. 309 in place of the present dependence on the rule making powers under the proviso to that article which plainly is transitory in nature. It is, perhaps, desirable to have two enactments,

one for discipline, punishment, enquiries and appeals and the other for other conditions of service, such as leave, gratuity, pay etc. The Army Act is a model though it is not suggested that enactments regarding civil servants should be altogether similar to that Act. Elsewhere we have suggested changes in the set-up for departmental enquiries and appeals, promotions, pay scales, etc. These provisions should be incorporated in these enactments.

5.1.20 It is necessary, of course, to ensure that the enactments are flexible and are not rigid cast iron structures. The enactments should leave provision for change to suit changing times by permitting substantial rule making powers.

5.1.21 It would in fact be a good thing indeed if the rules are laid before Parliament so that Parliament may have the opportunity of considering or reviewing them, even though there is no obligation to do so under the Constitution in the case of rules framed under the Proviso to Art. 309. It is now the usual practice to provide for rules made under an

enactment to be laid on the table of Parliament.

5.1.22 We have accordingly thought it fit to place before the Administrative Reforms Commission a draft of the legislation relating to discipline and other matters referred to in paragraph 5.1.19, which broadly sets out several of our recommendations in this connection. The draft is included in our report as a working draft only. All the members of the study team do not necessarily subscribe to the inferences of policy which may be drawn from the various clauses as they stand drafted in the Bill. This draft is given as Annexure to this Chapter.

Our draft is, therefore, only indicative of the form which such legislation should take. Yet it sets out in adequate details the requirements we have in view of such an enactment, and incorporates all the relevant recommendations we have made in this Chapter on this subject. The Act to be passed by Parliament should consolidate all provisions now current in various rules,

ordinances and enactments. For instance, the Act would include provisions such as those contained in the Mysore State Civil Services (Prevention of Strikes) Act, 1966, as also the now current laws regarding essential services. It would also be in replacement of the disciplinary provisions in the numerous sets of conduct rules in existence such as the Central Civil Services Conduct Rules, the All India Services Conduct Rules, the Foreign Services Conduct Rules etc. This will therefore lead to a radical simplification of the machinery for the maintenance of discipline and efficiency. (These provisions in the now current conduct rules which do not relate to discipline but relate to other conditions of service should find their place elsewhere). Further, the Act would empower Government to deal with any emergency they may have to come up against in the future without being driven to the issue of hastily drafted ordinances or special enactments as hitherto. As things stand

now, Governments are always under the dread of having to meet new situations for which they are not fully prepared; there would be "gheraos", "work to rule" campaigns and the like which assume serious proportions. The draft suggested by us will, we feel, enable Governments to deal with any of such situations in the same way as the Army Act, 1950 etc. enables the Defence Ministry to deal with all similar possibilities or situations in the administration of the Defence Forces.

The draft suggested by us includes penal provisions enabling prosecution of erring civil servants in criminal courts, in the way the U.P. and Mysore Anti-Strike Ordinances did and their successor enactments now do. There is nothing new in the idea of having one enactment which contains administrative provisions for enforcing discipline as also penal provisions for the launching of prosecutions in criminal courts. The Companies Act which regulates the business of limited companies contains dozens of such penal provisions. The Acts governing municipalities and such

them. (See paragraph 6.1.27 for an instance.) The Army Act, the Air Force Act, and the Navy Act contain such provisions. There is, therefore, no justification for not having similar provisions in respect of civil servants. Civil servants are no more privileged than those serving in the Defence Forces or those serving as Directors in limited companies or as members of self-governing bodies.

In this connection we would refer to the fact that the Central Government has already contemplated the necessity of having such an enactment for civil servants. With reference to one of the recommendations of the Santhanam Committee the Central Government had issued to all State Governments a draft of "The Public Services (Inquiries) Bill" under the Home Ministry letter No.101/1/66-AVD of the 18th April, 1966. States were requested to send their comments on that bill, It is understood that the matter is still under the consideration of the Central Government. This bill is good in so far as it relates to procedural matters, but is far short of the enactment we have suggested in our draft.

It should be noted that the Central

Government's draft bill went so far as to include even employees of public sector undertakings. We agree that such employees should also come under an identical set-up. But our draft as it stands refers only to civil servants. Perhaps it is desirable to have a separate but similar enactment for those serving in public sector undertakings.

5.1.23 One course may be, however, to recognise the fact that civil servants should not have the same degree of freedom as ordinary citizens or as the Press in regard to speech, expression and assembly, and that some curtailment of fundamental rights in relation thereto is necessary though some members of the Study Team have expressed a different view on the subject as observed in Para 5.1.9 above.

The principle regarding curtailment of Fundamental Rights is recognised in Article 33 of the Constitution which permits Parliament to abridge, temporarily or permanently, to the extent necessary at any given time, any of the rights specified in Part III of the Constitution, but only in the case of the Defence Forces and some civil servants namely, the Police.

5.1.24 The question then is whether the abridgement should come by way of an amendment of Article 19 or Article 33 of the Constitution. An amendment of

Article 19 is contingent on several factors, e.g. of its being in the interests of public order; of its being in the interest of the general public; etc. etc. The Fundamental Right of speech and expression can be restricted under Article 19(2). But, while a ban on demonstrations can be imposed under Article 19(2) in the interests of public order, it cannot be imposed, however reasonable it may be, in the interests of the general public. (Other Rights, e.g. the right under Article 19(1)(d) can be restricted in the interests of the general public).

There is a marked difference between "the interests of public order" and "the interests of the general public". The former phrase will hold good for a situation wherein public order exists but yet a stage of imminence of public disorder has been reached and may result in spontaneous outbreak of violence, perhaps when it is too late for remedial measures, whereas the latter phrase will hold good for situations which are free from tensions and therefore for which remedial measures could be devised well ahead of breakdown of the peace of the land. While speaking in Parliament on 1st November 1966 in connection with the Police Forces (Restriction of Rights) Bill, 1966, Shri Gulzarilal Nanda, the then Union Home Minister said: "Article 33 of our Constitution provides that Parliament may by law determine to what extent any of the rights

conferred by Part III of the Constitution shall, in their application to members of the forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and maintenance of discipline among them. In view of the restraint and sense of responsibility with which the members of the police forces had been conducting themselves, we had considered it unnecessary to sponsor legislation authorised by Article 33. We have, however, now come to the conclusion that it is in the public interest that such legislation should be undertaken, and we have accordingly decided to seek leave of the House to introduce a Bill for this purpose." The Bill was passed into law by Parliament in that same session - it could not have been if, purporting to be under Article 19, it was to be considered from the point of view only of "the interests of public order."

5.1.25 As Government work is of paramount importance it is not only in the interest of public order but also in the interests of the general public that there should be a ban on ugly demonstrations by Government servants which may interfere with Government work or which may lead to progressive indiscipline amongst Government servants. Such a ban can be imposed, however, if Article 19(2) of the

Constitution is amended so as to permit restriction, but only on Government servants, "in the interests of the general public". We may point out here that some senior officers in Mysore in the course of a meeting with our Study Team suggested the addition of a new clause to Article 19 as follows:

"(7) Nothing in this Article shall affect the operation of an existing law, or prevent, the State from making any law, relating to the conditions of service of persons who are members of an All India Service or a Civil Service of the State or hold Civil Posts under the State."

We consider that this is too drastic and wide in nature.

5.1.26. One mode to meet the situation is to amend Article 19(2) providing for "the interests of the general public" in place of "public order". But such an amendment of Article 19 of the Constitution is not appropriate because restrictions on Fundamental Rights which are imposed under it appear to be intended for the community as a whole and not to particular sections such as Government servants. Nor is an amendment of Article 19 helpful because the person whose rights are restricted (that is the Government servant) can challenge the adequacy of public interest assumed in the restriction in a writ petition under Article 32 or under Article 226. Further, restrictions under Article 19 cannot appropriately be issued in the interests of discipline in general or, to ensure

performance of duties.

5.1.27. An amendment to Article 33 of the Constitution can make the restriction absolute and not, as in the case of Article 19 contingent. Amendments to Article 33 will, therefore, be more appropriate. Further, Article 33 is set for application to specified categories of Government servants. And it is specifically and extensively thereto "ensure the proper discharge of their duties" by Government servants to whom it applies and also for "the maintenance of discipline among them."

5.1.28 The fact that conduct rules were continued after 1947 in about the same form and force even after commencement of the Constitution suggest that Government deemed it proper to continue those rules without perhaps considering whether they would be strictly in conformity with Part III of the Constitution. In Article 33 of the Constitution the principle has been recognised that fundamental rights need curtailment - not wholly and permanently, but to the extent necessary, from time to time - "in the interests of discipline and of proper performance of duties", though at that time it was perhaps thought that it was necessary in relation to all defence forces and only some civil servants, viz., police forces. If more civil servants were then not included in the scope of Article 33, it was presumably

because the conflict between conduct rules and fundamental rights was not foreseen at that time in its proper perspective. As the Supreme Court observed in the Kameshwar Prasad's case while American Law had the advantage of flexibility, ours suffered from rigidity. Flexibility is **essential in a changing society**. With us change has been phenomenal and will continue to be so for a long time to come. We cannot meet the new situations by wriggling inside a rigid structure. Some of the members of our Team, therefore, think it necessary that the principle in Article 33 should be extended to all categories of civil servants, while the other members are firmly and decisively opposed to this idea (please see paragraph 5.1.9).

5.1.29. There is then no reason why we should single out the Defence and Police Forces for the purpose. Discipline is also necessary in the case of other civil servants. Loss of discipline in any sector will have the same damaging effect, though in some sectors, as, for instance, in the case of school teachers, the damage will be felt only after some lapse of time. Modern wars and modern procedures for the security and progress of the State require

a high degree of effort and discipline from civil servants as existing in the case of the Defence Forces.

5.1.30 Whether Article 19 or Article 33 is amended for the purpose aforesaid, the recent decision of the Supreme Court in Golak Nath's case would seem to stand in the way of any such amendment. According to the majority decision, Parliament cannot now amend the provision of Part III of the Constitution in so far as such amendment takes away or abridges any of the rights conferred by the said Part. Until this difficulty is resolved by amending Article 368 or otherwise, the amendment of Article 19 or of Article 33 cannot be made by Parliament as contemplated above.

It is understood that a non-official bill for amendment of Article 368 is now under consideration before the Joint Committee of the two Houses of Parliament.

5.1.31. But the compulsions of a changing society can be seen not only in the U.P. and Mysore Ordinances/Acts against strikes by civil servants, and in the legislation enacted after the Constitution came into force concerning "essential services", but also in the very recent enactment by Parliament, giving effect to the already existing provisions of Article 33 of the Constitution in regard to the Police Forces. In regard to civil servants it was hoped that the continuance of the conduct rules more or less in the

form they were in 1947 would serve the purpose. But, while democracy has taken root in the soil of our country as is evident from the recent elections to the Parliament and the legislatures a tendency is noticed in some quarters to lay more emphasis on rights (including fundamental rights). Amendment of Article 33 may probably be useful in focussing adequate attention to duties.

5.1.32. (1) Our recommendation is accordingly that all current rules of conduct in the States and at the Centre as also the special acts passed as emergency measures, e.g., the Mysore State Civil Services (Prevention of Strikes) Act 1966, etc., and the laws regarding 'public utility services' etc. should be replaced by a comprehensive enactment under Article 309 of the Constitution on the lines of our draft of the enactment appended. The Police Force (Restriction of Rights) Act, 1966, may, however, continue to be in force in regard to the Police. Subject to our observations in paragraph 5.1.9, our draft bill is prepared on the assumption that Article 33 may have to be amended in respect of some more Civil Servants. This is no doubt subject to our observations in relation to Golak Nath's case referred to above.

RECOMMENDATIONS
FOR ACTION
(17)

(2) A similar bill will have to be enacted for the States also. All Tribunals now holding departmental enquiries should fit into the revised scheme.

TRAINING IN
DISCIPLINARY
PROCEDURES

5.2.1. As explained above, discipline has become so juristic and legalistic in concept and procedure that it is difficult for the immediate supervisory authority without adequate training to direct or to handle matters of discipline in a proper way. It is, therefore, necessary to include in the training scheme a course to give a working knowledge of the disciplinary procedures for the higher supervisory staff.

We recommend that all Class I officers, technical and non-technical, should be given a training for three months as magistrates II and III class either in independent charge or as understudies during their probation period in order to enable them to have a good working knowledge of the rules of evidence, enquiry etc. Every civil servant must be given a copy of all regulations in force relating to conduct and discipline and these should be a subject for the departmental examinations prescribed for promotion to supervisory posts.

DISCIPLINARY
TRIBUNALS

5.2.2. An account of the disciplinary procedures is to be found in the various Classification, Control and Appeal Rules which were adopted, almost as they were, in 1947. Changes have been made since, more especially, after the Report of the Santhanam Committee on Prevention of Corruption. Because the procedures prescribed in the Classification, Control and Appeal Rules were found to be inadequate, Government later found it necessary to introduce supplemental provisions. In 1947 the Prevention of Corruption Act was enacted under which investigations

could be made by the Special Police Establishment. This Establishment later became a branch of the Central Bureau of Investigation established in April 1963. Subsequently, mainly because of the recommendations of the Santhanam Committee, the Central Vigilance Commission was established alongwith similar units in the States.

The Vigilance Organisation has done a good deal of work in the States as well as at the Centre. As, however, the need was felt to deal more effectively with the delinquency in higher quarters, the Administrative Reforms Commission has now recommended the establishment of the Lokpal and the Lokayuktas at the Centre and in the States.

The Classification, Control and Appeal Rules and the Conduct Rules turned out to be inadequate for dealing with delinquent officials for various reasons. Firstly, several of the Conduct Rules are rather sketchy and vague and thus came into conflict with fundamental rights. Our recommendations for rectifying this drawback have been outlined in paragraph 5.1.32 above.

Secondly, there was no machinery for preliminary investigation into the more serious breaches such as those of corruption, defalcation, etc. Simpler cases such as delays in disposal of work,

insubordination and unbecoming conduct did not require any elaborate investigation before the formal commencement of departmental enquiries. But serious **cases of corruption, conspiracy to cheat Government** and so on were too complicated for the average supervisory officer to handle. Departmental enquiries in such cases failed because of inefficient marshalling of the procedural steps and of the evidence.

Thirdly, disciplinary proceedings suffered from delay and from bad handling because under the Classification, Control and Appeal Rules, the enquiries could be held by supervisory officers who seldom had the necessary training either in the principles of evidence or of procedure or of natural justice or in the conduct of enquiries. Most departmental enquiry cases failed because of non-observance or faulty observance of rules for the grant of reasonable opportunity of being heard to the officials charged. The only remedy for this state of affairs is in entrusting enquiries to officials who are adequately trained in the methods of recording evidence and generally in conducting proceedings of a judicial nature. Such intensive training cannot be given conveniently to each and every member of the supervisory staff in an office. Nor is there need to do so. In paragraph 5.2.1 we have said that all higher supervisory staff

should be given general training in disciplinary procedures. While this is necessary as a part of the general training of the officers, the task of conducting departmental enquiries should be entrusted only to officers who have received more intensive training.

We, therefore, recommend that where the volume of work in connection with departmental enquiries in each Ministry or Department or any group of offices or a region is sufficient, a separate wholetime officer fully qualified for conducting disciplinary proceedings should be appointed. He can be designated as a member of the disciplinary tribunal. The personnel of the disciplinary tribunals, may be designated 'members of disciplinary tribunals' who should be directly under the Vigilance Commissioners in the States and the Chief Vigilance Commissioner at the Centre for administrative management so long as the 'Lokayuktas' and 'Lokpal' are not there for the purpose. If this is not considered practicable, they should be under the Chief Secretary in the States and the Cabinet Secretary at the Centre. All enquiries and trials against civil servants should be 'in camera'.

The officers holding disciplinary enquiries have at present no powers to compel production of documents or to compel attendance of witnesses or to examine witnesses on oath or affirmation, etc. These are very essential powers for expeditious disposal of departmental enquiries. Our draft bill includes provisions in this respect.

The appointment of disciplinary tribunals with whole time experienced and competent men to hold

enquiries will lead to the elimination of the delay and the difficulties that are now the common features of departmental enquiries. We do not suggest any major change in the procedure already in force for these enquiries, but we propose that the disciplinary **authority must accept the findings of the disciplinary tribunal.** The principle accepted by the judicial system of the country viz., the judge and prosecutor should not be the same, should also be extended to departmental proceedings. This is the only way of creating and maintaining confidence in the disciplinary machinery. This principle finds acceptance in Articles 103 and 192 of the Constitution which lay down that the President or the Governor shall act according to the opinion of the Election Commission in regard to the fact of disqualification of a legislator. Our recommendations are that the personnel of the disciplinary tribunal should be selected from civil servants who have several years of experience as judges or magistrates or lawyers so that there can be no apprehension about any general fall in the standard of weighing facts and evidence in support of the findings. Besides, it is very fitting that senior experienced officials feel assured that their findings are respected and not subject to cursory treatment at the hands of the disciplinary authority. The punishment should be imposed

by the competent authority and the appeal will go to the officer who should be specified for this purpose in the Schedule to the Act proposed by us. We have not prepared the schedules as they should be done by Government.

5.2.3 The Committee headed by Shri K. Santhanam, M.P.

was appointed by the Central Government to suggest, inter alia, the remedial measures which may be taken to eradicate the growing menace of corruption in the public services. This Committee had felt that the provisions in Article 311(2) of the Constitution could be dilatory and so contribute to avoidable delays in the disposal of certain departmental enquiries. The Committee found that the provisions of Article 311(2) gave a handle to officers under enquiry to challenge in a court of law the procedural steps taken by the departmental enquiry officers on the ground of infringement of a fundamental right or of a principle of natural justice and accordingly recommended a suitable amendment of Article 311(2) for eliminating such avoidable delays.

ARTICLE 311
OF CONSTI-
TION

We have carefully considered this subject. Delays in the disposal of departmental enquiry proceedings are really due to the following main reasons:

(1) Officers who now hold departmental enquiries do not have the necessary training to

conduct such enquiries. Technical officers such as Executive Engineers etc. are, in particular, at a disadvantage as many of them have not even heard of such provisions as the Evidence Act, etc. Such officers blunder into mistakes, because of their ignorance of and unfamiliarity with the procedures to be followed.

(2) Officers holding enquiries do not have powers to compel attendance of witness e.g., or production of documents or examination of witnesses on oath or affirmation. Delays then take place as witnesses do not turn up on dates fixed and as documents too do not get produced before the enquiring officers.

(3) Officers holding enquiries are not usually on that job as wholetime officers. They have their other duties which engage them fully. They, therefore, cannot give the attention or the time needed to finish the departmental enquiries on their hands.

We have recommended, therefore, that all Class I officers should be given training as magistrates and that wholetime trained officers should be appointed to do nothing but hold departmental enquiries. We have further recommended that a bill should be sponsored in the legislature for regulating enquiries against

government servants and in this bill we have provided that the disciplinary tribunal should be empowered to compel attendance of witnesses and production of documents. These changes if introduced in the set-up for departmental enquiries are sufficient to ensure quick and fair disposal of enquiries and probably there may be no need to amend Article 311(2) of the Constitution as recommended in the Santhanam Committee's Report.

5.2.4 The Public Service Commission has at present to be consulted on all disciplinary matters affecting persons serving under the Central Government or the State Government in a civil capacity including memorials or petitions relating to such matters, except on those cases which have been specifically exempted by the rules and regulations issued in this behalf. At present vigilance cases relating to gazetted officers are referred to the Chief Vigilance Commissioner for his advice and thereafter referred to the Public Service Commission before orders are passed thereon by the President or the Governor, as the case may be.

THE ROLE OF
THE PUBLIC
SERVICE
COMMISSION

We recommend the continuance of the existing practice regarding consultation with the Public Service Commissions on such matters even though the general policy matters on discipline and vigilance may be looked after by the Central Personnel Agency.

OFFENCE AND
PUNISHMENT
TO BE RELATED

5.2.5. Though the Classification, Control and Appeal Rules enumerate the different penalties that may be imposed on a government servant, they do not prescribe the maximum or minimum penalty for the various types of offences. It may be difficult to lay down exhaustively what would constitute for departmental action, misconduct, indiscipline or offence. The gravity of each offence will, of course, have to be decided on the merits of each case.

We recommend that the maximum and minimum penalty that can be imposed for each typical offence or offences and for the repetition of the same offence should be prescribed so that a certain amount of uniformity is introduced in disciplinary cases.

WITHHOLDING
OF PROMOTIONS

5.2.6. At present withholding of promotions is one of the recognised penalties that can be imposed in departmental proceedings. We consider its inclusion in the rules as one of the penalties not really useful because promotion is to be made on the basis of the evaluation of the records of the official. The fact that his conduct has come to adverse notice in a disciplinary proceeding is itself sufficient to warrant the postponement of his promotion. Further promotion is an event which is dependent on many contingencies such as the availability of vacancy etc. A person may not be

in the field for promotion at all at the time when a disciplinary case is instituted and it may not be desirable to impose as a penalty, withholding of promotion which is tantamount to condemning an employee in advance by a few years or which may not be effective as a punishment at all, as the official may not be eligible for promotion on other grounds.

We recommend, therefore, the deletion of the item "withholding of promotion" from the list of penalties.

We have already recommended that cases of supersession in regard to promotion should on representation of the affected officials be reviewed by a Committee.

5.2.7. Minor disciplinary matters such as those arising from insubordination, contempt and unbecoming conduct or from any imminence of breach of peace should be dealt with at the incipient stage itself by summary action on the part of the immediate superior. Provision for summary disposal of disciplinary cases of a minor nature does not exist now; it should be introduced. Without resorting to an elaborate procedure such as is prescribed in the rules for disciplinary proceedings the competent authority should be empowered to impose such minor punishments as administration of warning, a fine not exceeding

SUMMARY
PROCEEDINGS

a couple of day's salary, forfeiture of a day's leave with or without suspension, or curtailment of any other minor privilege, etc. A note of such punishment need not be made in the annual report unless there is a repetition of the breach or offence. Appeals against such summary punishment may also be disposed of by the next higher authority.

POWER OF SUSPENSION

5.2.8. For being effective as a supervisor adequate powers for taking disciplinary action should be given to him. The power to suspend an employee, pending enquiry and disciplinary action which is now vested in many cases in a higher authority should be vested with the immediate superior. To exercise a check on improper exercise of this power it should be laid down that the suspension of an employee should be immediately reported to a higher authority for confirmation, where necessary.

SUSPENSION

5.2.9. Officials remain, at present under suspension for considerably long periods because of the delays in the decision of their cases. Instructions exist that as far as possible investigation in disciplinary cases should be completed and a charge-sheet filed in the court of Law in cases of prosecution in Court or the memorandum of charges served on the official in the case of

departmental proceedings within six months as a rule. If cases are likely to be delayed the question of revocation of the suspension order is required to be examined. These instructions have not been followed in a majority of the cases because of lack of a sense of urgency in handling these cases.

We recommend that no persons should ordinarily be kept under suspension for a period of more than six months except in the cases pending in the Courts. If reinstatement of the officials is considered to be fraught with risk of the evidence of the departmental case being tampered with or the departmental proceedings being hampered the official should be transferred to any other place where no such risk is likely to be run. Approval of a higher authority should be obtained for keeping officials under suspension beyond a period of six months.

5.2.10 Officials against whom prosecutions have been launched in a Court and who have subsequently been acquitted by the Court on grounds of insufficiency of evidence or grant of benefit of doubt to the accused are continued to be kept under suspension for long periods pending departmental proceedings. It has been the experience that the departmental proceedings in such cases generally do not result in the dismissal or removal of the officials and they are reinstated in service after imposition of some minor penalty or no penalty at all.

SUSPENSION
AFTER THE
DECISION ON
COURT CASES

Consequently, they become entitled to large amounts of pay and other allowances as arrears for the entire period of suspension. Had a decision been taken to reinstate these persons immediately after the judgment by the Court, Government would have been saved of a lot of expenditure. It would have also greatly helped in the useful employment of these officials during the intervening period and to the building up of their morale.

We, therefore, recommend that officials under suspension who have been acquitted by the Courts should ordinarily be reinstated, pending departmental proceedings.

APPEALS

5.2.11 In regard to appeals, we have certain important recommendations to make. Under Article 311(1) in the case of imposition of punishment on officers appointed by the President or by the Governor, the orders in departmental enquiries also issue in the name of the President or the Governor as the case may be. In such cases there is, at present, no provision for appeal. Such an officer who is punished is, therefore, obliged to have recourse to a writ petition under Article 32 or Article 226 of the Constitution. This gap in the enquiry procedures has now to be filled.

~~We recommend that~~

Chief Secretaries in the States in regard to appointments as well as punishments of Class I officers so long as they hold posts carrying pay below Rs. 2250/- p.m. In these cases the punishments including **major penalties can then be imposed by the** appointing authority. In the cases of Class I officers drawing Rs. 2250/- or more p.m., there can be delegation of powers to the Secretaries in the Ministries or the Chief Secretaries in the States in regard to the minor penalties. The appeals in such cases will lie to the President or to the Governor. In other cases not covered by these provisions, punishments can continue to be imposed in the name of the President or the Governor. Thus, cases where original orders of punishment will issue in the name of the President or the Governor will be very few.

All orders of punishment original or appellate, issued in the name of the President or Governor should also be appealable in the Tribunals recommended by the Study Team under the Chairmanship of Shri S.C. Lahiri. The appellate orders can continue to issue in such cases in the name of the President/Governor. The provisions in regard to appeal will then cover all civil servants. If these are given effect to, the need for frequent recourse to writ petitions under Article 226 of the Constitution will be reduced to a considerable extent.

5.2.12 We have in the above paragraph referred to one of the recommendations of the Study Team on Administrative Tribunals (Chairman Shri S.C. Lahiri), with whom we have had discussions, viz., the establishment of an Administrative Tribunal which may be presided over by a person of the standing of a High Court Judge or by a retired judge

ADMINISTRATIVE
TRIBUNALS

of the High Court or a District Judge for hearing appeals against major punishments of dismissal or removal from service or reduction in rank imposed in departmental proceedings. The intention of that Study Team appears to be that appeal cases from the aggrieved officials should come up before the Tribunal only after the opportunity for submitting appeals to the departmental authorities provided in the rules is exhausted. We are in agreement with the recommendation of setting up an Administrative Tribunal. The Administrative Tribunal should be under the Ministry of Law for administrative purposes at the Centre and the Law Department in the States.

5.2.13 The recommendations made above will have to be incorporated in the law which has to be enacted under Article 309 of the Constitution as a result of our recommendation in paragraph 5.1.32

RECOMMENDATIONS 5.2.14 Our recommendations thus are as follows:
FOR ACTION

(13)

- (1) All higher supervisory staff should be required to have a working knowledge of disciplinary procedures, punishments and appeals; Class I officers, technical and non-technical, should be given training for three months as Magistrates during the probationary period.
- (2) Full time disciplinary tribunals should be set up for conducting enquiries against Government servants. Whole time officers trained and experienced in conducting judicial proceedings should be appointed for holding departmental enquiries. So long as Lokpal and Lokayuktas have not been

appointed, the members of the disciplinary Tribunals should be directly under the Vigilance Commissioners in the States and Chief Vigilance Commissioner at the Centre for administrative purposes. After the appointment of Lokayuktas and Lokpal they will be under Lokayuktas and Lokpal.

- (3) All enquiries and trials against Civil servants should be 'in camera'.
- (4) Disciplinary Tribunals should be invested with powers to compel attendance of witnesses, examination on oath or affirmation of witnesses, and production of documents; necessary legislation for holding enquiries against Government servants should be enacted under Article 309 of the Constitution.
- (5) Consultation with the Public Service Commission in regard to disciplinary matters as in force now should be continued. The provisions in Article 311 of the Constitution in regard to the imposition of the penalties like reduction in rank, removal or dismissal should continue.
- (6) The maximum and minimum penalty that can be imposed for each typical offence or class of offences and for the repetition of the same offence should be prescribed, so that a certain amount of uniformity is introduced in disciplinary cases.
- (7) The item 'withholding of promotion' should be deleted from the list of penalties.
- (8) Supervisory officers should have powers of imposing certain simple forms of punishment on the spot after summary enquiries in the cases of insubordination, contempt or unbecoming conduct.
- (9) Supervisory officers who are not delegated with powers for suspending officials working under them should have powers to suspend them pending departmental action, but subject to expeditious confirmation or otherwise by the competent officer.

- (10) No official should ordinarily be kept under suspension for a period of more than six months except in cases pending in the Courts; sanction of the higher authority should be obtained for keeping officials under suspension for a period beyond six months.
- (11) Officials who have been acquitted by the Court by granting them the benefit of doubt, should ordinarily be reinstated from suspension without delay pending the question of examination of the institution of the departmental proceedings.
- (12) There should be provision for appeals in the Classes of cases for which no such provision now exists.
- (13) There should be an Administrative Tribunal in the States and at the Centre to hear appeals. The Administrative Tribunal will be under the control of the Law Ministry in the Centre and the Law Department in the States.

5.3.1 It is the policy of Government to encourage all classes of employees to organise themselves in healthy associations for promoting their legitimate interests in matters concerning their work and welfare. Previously, one of the conduct rules stipulated that no Government servant could be a member of any Service Association which had not obtained the recognition of the Government under the rules prescribed in that behalf, or the recognition of which was refused or withdrawn by Government. The general conditions for the recognition of the associations had also been laid down. But as this rule was struck down as ultra vires the Constitution by the Courts, it has been modified to one of prohibiting an employee becoming a member of an association, the objectives or activities of which are prejudicial to the interests of the sovereignty and integrity of the country or public order or morality. It has been suggested by some members of the Study Team that some restrictions on joining associations should be placed, in

JOINT
CONSULTATIVE
MACHINERY

case Article 33 of the Constitution is amended for the purpose. The restrictions should be placed by rules which could be changed from time to time. This provision has been included in Section 5 of the draft Bill appended hereto. Recently, the Central Government have established a Machinery for Joint Consultation for resolving and arbitrating on unresolved differences between the Government and the employees with the object of promoting harmonious relations and of securing the greatest measure of co-operation in matters of common concern. The matters to be considered by the machinery will include conditions of service and work, welfare of the employees and improvement of efficiency and standards of work, general principles of recruitment, promotion and discipline and compulsory arbitration limited to pay and allowances, weekly hours of work and leave. Individual cases will not be considered by the joint machinery.

The representation of workers in a unit on negotiating bodies or in conciliation or adjudication proceedings and in similar

other situations where worker's problems or disputes come up for consideration is a very important matter requiring urgent attention. The present mode of representation is most unsatisfactory and is responsible for many ugly situations in the working of industrial establishments. We are concerned with civil servants in ordnance factories, Government factories, Railways and so on, who, as workers come under the Industrial Disputes Act, 1947.

At present the position is that workers in a unit are represented only by those sent by the recognized union. It invariably happens that in every unit there are more unions than one, each with its own political trappings. The unrecognized unions, even though they together have a majority of the workers on their rolls, cannot send men of their own choice to represent the workers. This leads to frustration, especially as unrecognized unions are also entitled to raise points of dispute and to take them to the conciliation stage. This results in intensified inter-union rivalry and, often, also in violent outbursts arising from illegal strikes, and in sabotage, 'gheraos' and the like. Un-

recognized unions lose a sense of balance because they feel that they are denied a place or a representation at the negotiating table. They then indulge in all manner of illegal activities. This situation should be put an end to.

Workers are and must be free to form any number of unions in a unit: it is their fundamental right. But it does not follow that Government's policy regarding negotiations should be one-sided and unfair to the workers as a whole in the unit.

Representatives of the workers on the Joint Consultative Bodies and in Labour Councils should therefore be elected by all the workers in the unit, such election being conducted in a fair manner by the management under the supervision where necessary of the Labour Department. Each worker would have one vote. The elected men will then have full justification in claiming that they represent the whole body of workers in the unit and not to a factional body of them.

A similar method should be followed in filling the vacancies in Joint Consultative Bodies for representatives of civil servants in offices to whom the Industrial Disputes

Act does not apply.

It ~~may~~ be mentioned here that a suggestion to this effect made by the Chairman of our Team to the Administrative Reforms Commission in connection with similar situations in public sector undertakings finds a place in the recommendations of the Commission for such undertakings. The recommendation of the Administrative Reforms Commission is as follows:

"Labour Councils with a prescribed number of members should be formed for conducting negotiations with the management on labour matters. The members of the Council should be elected once in two years by all the workers, each of them having one vote".

(Recommendation
No.56)

5.3.2. It is necessary to frame rules regarding associations or unions of civil servants. As things stand now, due to the Supreme Court rulings upholding the fundamental rights under Article 19, civil servants can join associations or unions without any of the restrictions to be found in the old Conduct Rules. The only restrictions now in force are that the associations or unions "should not be prejudicial to the interests of the sovereignty and integrity

of the country or public order or morality". These restrictions are of little avail in so far as maintenance of discipline is concerned. Fresh rules should be framed after the draft bill appended hereto is enacted and as a result rules can be framed under Section 5 of the same.

At present unions like the P. & T. Employees' Union, Railwaymen's unions and other unions in Governmental and public sector undertakings declared as 'public utility services' are already there and they should be there. They are registered under the Indian Trade Unions Act, 1926 and they are governed by the Industrial Disputes Act, 1947. These unions, though they are 'public utility services', can resort to strike, though this has to be after giving notice in the prescribed manner. We are strongly of opinion that these unions should think of strikes only in the very last resort and that they should avail themselves of the services of the Joint Consultative Machinery for resolution - if necessary,

after arbitration - of all disputes without first going on strike. P.& T. and Railway unions have agreed to this arrangement. If this is not done, the adverse reaction on hundreds of other unions - such as the association or unions in the Secretariat, Income Tax Department, etc. who are not governed by the Industrial Disputes Act or such other labour laws - will be highly disturbing, because coming as they do under the Conduct Rules (and not under the Industrial Disputes Act), they cannot at all go on strike. Of course, in cases where a civil servant is governed both by Conduct Rules as also by the Industrial Disputes Act and other similar labour laws, the latter will prevail over the Conduct Rules in the event of a conflict between these rules and such laws.

5.3.3 In the United States the Executive Order issued on the subject of Employees-Management Co-operation in the

Federal Service, lays down the conditions under which recognition of an 'employee organisation' may be granted. The term 'Recognized Employee Organisation' under this order does not include any organisation which asserts the right to strike against the Government, or any agency thereof or to assist or participate in any such strike or which imposes a duty or obligation to conduct, assist or participate in any such strike. In the agreement entered into between the various departments and the organisations of their respective employees this condition is insisted upon. We enclose as Annexures Nos.VI and VII a copy each of the Executive Order 10988 of the U.S.A. Federal Service and a sample of the Employee-Management Co-operation Agreement, viz., the Agreement dated August 11, 1966 between certain Agriculture Department

employees with the U.S. Department of Agriculture. It is necessary that the Central Government should likewise lay down specific rules for securing the effective co-operation of the employees in consultation with the Joint Machinery, as early as possible, and while laying down these rules, conditions similar to those mentioned above as prevalent in other countries should also be specified. In Japan, the employees, in certain establishments, when they go on strike, do not resort to cessation of work but wear badges or tokens indicating that they are on strike, e.g., the employees in the Hotel Industry. The administration there makes all out efforts to see that the employees do not take even this extreme step of showing their dissatisfaction by wearing badges, etc.

RECOMMENDATION
FOR ACTION
(19)

5.3.4

We accordingly recommend as follows:

- (1) Representatives of the employees on the Joint Consultative Bodies and on Labour Councils should not come, as hitherto, only as nominees of sectional unions, such as the I.N.T.U.C., A.I. T.U.C., etc., but should be elected by the entire employee force in the unit, each employee having one vote, such election being conducted in a fair manner by the management under the supervision, where such supervision is considered expedient, of the Labour Department. The representatives so elected can then claim to speak on behalf of the entire employee force at the negotiation table.
- (2) The rules regarding recognition of the associations or unions of civil servants will have to be framed in consultation with the machinery recently constituted for joint consultation and compulsory arbitration for Central Government employees. Provision should be made in these rules that the associations or the unions shall use the right to strike, wherever such right has been recognized, only as a last resort. Similar rules should be made in the States.

5.4.1 In the interim report of the Administrative Reforms Commission in regard to citizens' grievances a recommendation has been made that the institutions of Lokpal and Lokayukta should be created and that after the creation of these two institutions the Vigilance Organisations, wherever operating, may be abolished, as the work of the Vigilance Commission would be taken over by these institutions. We agree with this recommendation. We also feel that the work now being done by the Commissioner for Public Grievances should be taken over by the Lokpal and the Lokayuktas.

The special investigating organisations are such as the Central Bureau of Investigation, the X-Branch, Anti-Corruption Bureau (A.C.B.) should continue and function under the Lokpal or Lokayukta. In the States the personnel of the Anti-Corruption Bureau and the X-Branch should include at least one senior officer outside the State, so that the enquiries in which there is likelihood of local pressures can be entrusted to him. We make this recommendation as we have felt that the State officers in the A.C.B. or in the X-Branch may suffer from fear of harsh treatment when they go back to their parent departments in the same State.

These investigating bodies should "keep their eyes and ears open" and keep the Lokpal and Lokayukta, as the case may be, duly informed of cases of lapse on the part of civil servants. "Prevention is better than cure". If people dishonestly inclined to know that there are governmental agencies which are on the lookout, they will restrain themselves from indulging in wrongful acts or practices.

HEADS OF
DEPARTMENTS
TO BE
CONSULTED

5.4.2 The need for close liaison at all stages between the Heads of Departments and the Investigating Agencies set up for the prevention of corruption has been recognised as essential for the successful functioning of the Anti-Corruption Organisation. The responsibility for checking corruption should be laid squarely on the Heads of Departments and the Special Organisations set up for prevention of corruption should assist the Heads of Department in discharging these responsibilities.

We, therefore, recommend that in the enquiries into vigilance cases by the Central Bureau of Investigation, the Special Police Establishment, or the Investigation Wings of the Anti-Corruption Departments in the States, the Heads of the Departments should be taken into confidence at the early stage of investigation itself and kept informed of the position from time to time.

5.4.3 There should also be a time limit set for completion of different types of enquiries by the Special Police Establishment or Central Bureau of

TIME LIMIT
FOR ENQUIRIES

Investigation or Anti-Corruption Bureau to introduce a sense of urgency in the matter of completion of enquiries. This should be done **by the supervisory officers of these respective** branches. The Heads of Departments or the other supervisory officers concerned should review six-monthly all such cases (as is done in the case of detentions under the Preventive Detention Act.) Cases of inordinate delay should be brought to the notice of the Secretary or the Head of the Department concerned.

5.4.4 There are certain positions in Government which are vulnerable to exploitation for personal gain. The temptations offered by the environments in these positions are often too strong. In the absence of adequate checks, even persons who have shown exemplary honesty in other spheres of work, may fall in their standards in these tempting environments.

SPECIAL
POSITIONS
TO BE
MANNED
BY
SELECTED
STAFF.

It is not possible for us to make a detailed study of such tempting environments or even to list all of them and so, for the purposes of this study we shall mention only a few.

The most notorious example is of the checking by the police of lorries in which goods are transported. Each truck has its own 'regulars' on its list, to whom monthly payments have to be made if the trucks are

not to be detained or the drivers not prosecuted for some silly reason or other. The number of criminal cases against truck owners and truck drivers is phenomenally large. One can say that for every private motorist who is prosecuted under the Motor Vehicles Act, there are a hundred cases or more of prosecutions of truck owners or drivers. And for every single case of prosecution of a truck driver or owner, there may be a hundred cases 'compromised' privately on the road. Instances of these 'compromises' can be seen in broad daylight by anyone who cares to stand on a cross-road and watch the truck pass past a constable or two on duty. This problem has been discussed by members of our team with responsible Police officers. We learn that in Madras orders have been passed that no police officer below the rank of a Sub-Inspector should be empowered to halt and inspect trucks in transit. This is a very good rule, deserving to be copied by all Governments. We feel that the regulations under the Motor Vehicles Act can be made less stringent and less inquisitive so that causes of needless irritation to truck owners and drivers are removed.

Another example is of houses built by civil servants. Those who serve in cities get

advances from banks or similar institutions or from Government for building houses. Government does not insist on the officers staying in these houses. The result is that they continue to occupy Government quarters at low rents and let out their houses at high rents. We have come across many such cases. A flat in Bombay constructed on land obtained at concessional rates from the Government is let out on a four-figure rent to a public sector undertaking (the Bombay State Electricity Board). A house in Bangalore is let out on high rent to an employee in an autonomous Government corporation by the owner who is none other than the Chairman of that very autonomous corporation! Civil servants in rural or suburban areas who do not get such opportunities feel jealous and talk openly of this form of 'corruption'. It should be possible to tackle this problem by insisting on the civil servants residing in his own house and not in Government accommodation or letting it on a fair rent prescribed by Government, preferably to another civil servant. It is noticed that decisions taken by Central Government and State Governments in this behalf are not uniform.

SPECIAL RULES
TO BE FRAMED
FOR PREVENTING
ABUSE OR
MISUSE.

PROCEDURES TO
BE STREAMLINED
TO PREVENT
CORRUPT
PRACTICES.

Yet another instance is of a land records office in the Mysore State (Anekal Tehsil) inspected by the Chairman of our team. The Land Revenue Code provides that all registered sales of land are promptly communicated to the land records office in the Tehsil office by the Tehsil Sub-Registrar. On receipt of the intimations from the Sub-Registrar the Tehsil Office should, without delay - say within two months enter the names of the purchasers in the Record-of-Rights of the villages concerned and cancel the names of the sellers from that Register. This is a very important duty, because if the Record-of-Rights is not up-to-date, there could be much avoidable litigation over disputes regarding titles and possession. In the Anekal Tehsil Office, this very important work has been allowed to fall in arrears for over five years. Many disputes have arisen and some of them have been attended by violence. The land records and survey staff make the most improper use of this situation for their personal gain. The worst case is of an individual who had sold over 500 acres of his land to various people in the villages for a sum well exceeding a lakh of rupees during 1954-64. The names of the purchasers were not entered into the Record-of-Rights nor were the areas sold correctly demarcated on the

spot and their proportionate land revenue fixed. In the absence of fixed land revenue assessments on the purchased lands, the Tehsildar was unable to call on the purchasers to pay the land revenue. The lands continued to be shown in the name of the person who had sold the lands. This man was quick enough to see the opportunity for illegal gain in this situation. As the land revenue fell in arrears, the Tehsildar proceeded to sell the lands by auction for recovery of the arrears. The notice of the sale was sent, not to the new purchasers, but to the seller because it was this man who was shown in the Record-of-Rights as the occupant of the lands! In the auction of 800 acres which followed, the seller himself bought all the lands in the name of his wife for a sum of Rs. 600,00, that is, at less than a rupee per acre, and that too in the year of grace 1964! The worst part of this case was that although collusion was clear at every step between the seller and the officials concerned, the Assistant Commissioner confirmed the sale. Many disputes have naturally arisen and several are pending now in the courts.

One other result of this medieval state of affairs in the land records office is that Government is unable to distribute the sanctioned amounts as loans

for land improvements. We were informed by the Development Commissioner, Mysore State, that land records are in this wretched state in almost all the villages and that many land-holders are not able to get the loans applied for because he cannot get the requisite certificate from the Tehsildar that he is the recorded occupant of the land in the Record-of-Rights. The Development Commissioner stated this as the reason for the lapsing of large amounts earmarked for loans for digging wells for irrigation. This state of affairs reminds us of unsettled periods in India's history in perhaps the fourteenth century or so. But the amazing part of it is that this situation is suffered as normal by all the civil servants concerned. How could morale be built up and how could respect for efficient work be maintained in these circumstances? Nothing short of a regular settlement of Revenue Lands can cure this state of affairs in the Mysore State.

The examples we have given are only illustrative of the fact that there are many many gaping problems which do no credit to the administration in spite of achievement of progress in other directions. Such problems can all come to light if a specifically directed attempt is made to fish them out and bring them to the public gaze.

Each State and the Centre should, therefore, have in its Organisation and Methods Branch an officer on special duty for a year or for such period as may be necessary to spot out all such cases and to suggest remedies for implementation by the Government.

5.4.5 Recovery from pension can be ordered from a retired Government servant if he is found guilty after a departmental or judicial proceedings of grave misconduct or negligence during his service. Proceedings can be instituted after retirement if it is in respect of an event which took place not more than four years prior to the institution of such proceedings. The prescription of such a long period as four years is calculated to encourage dilatoriness in the investigation of the case and in coming to a conclusion. Further, it may not be possible to collect evidence sufficient to bring home the charges because of this long period intervening. The use of the provision under this rule can only degenerate into a vexatious or vindictive measure. We consider a period of two years should be sufficient and recommend the amendment of the rule accordingly. In any case, if the breach committed is a serious one, there are the provisions for trial in a criminal court, for which there is no limitation prescribed in law.

RECOVERY OF
LOSS
INCURRED BY
GOVERNMENT
FROM
RETIRED
PERSONS

A retired person can be hauled up in such a case and be made to pay the appropriate penalty.

RECOMMENDATION
FOR ACTION
(20)

- 5.4.6 (1) The Lokpal and Lokayukta, when appointed, should look after the work at present being done by the Vigilance Organisation and the Commissioner for Public Grievances.
- (2) In conducting enquiries in the Vigilance cases by the Central Bureau of Investigation or the Special Police Establishment or the Anti-Corruption Bureau or the X-Branchees in the States, the Heads of Departments should be taken into confidence, as best as possible, at the beginning stage of the investigations themselves and kept informed of the position from time to time, so that the enquiries can be conducted on proper lines.
- (3) At least one senior officer in the Anti-Corruption Bureau as also in the X-Branchees in the States, should be from outside the State, so that important enquiries which are undertaken by these investigating organisations, can be conducted without any mental reservations or fear of undue pressure or consequences from within that State.
- (4) A review of the cases under enquiry by the investigating officers should be made periodically in order to introduce a sense of urgency in the completion of the enquiries.
- (5) The Organisation and Methods Branch should make a special study of work procedures obtaining in some sectors of administration which have lapsed into chronic inefficiency or which are amenable to easy exploitation by corrupt elements, and prescribe remedies for preventing misuse or corrupt practices. Some examples of such sectors are given in para.5.4.4.
- (6) Institution of proceedings against a retired Government servant in respect of his acts of commission or omissions during his service should be done before the expiry of two years from the date of his retirement.

5.5.1 One of the conduct rules prohibits a Government servant from being a member of or otherwise associated with any political party or organisation which takes part in politics, or his taking part in or subscribing to the aid of or assisting in any other manner any political movement or activity. This is based on the sound principle that a Government servant should be politically neutral, so that he may be able to inspire confidence in the public and carry out his duties efficiently and impartially. While the political neutrality of the civil servant is important for the successful functioning of the administration, it is to be considered whether it will be possible or desirable to free certain sections of the civil servants of the restrictions, either completely or partially, in this respect. It has been held by the Kerala High Court in a series of cases that there is no objection to the Government inquiring into and forming an opinion regarding the character and antecedents of a particular candidate for appointment to a public office, as also his suitability for the post, on the basis of his previous political affiliations and thereafter declining to appoint him. When the Government's activities are expanding, more number

POLITICAL
RIGHTS OF
CIVIL
SERVANTS

of citizens will be put on the pay rolls of Government. To debar completely a sizeable educated section of the community from a meaningful sort of political activity may itself have an adverse effect on the political life of the country, especially when better qualified and more competent persons are required from all strata for running the administration of the country at levels including the legislative and policy-making spheres. A certain amount of identification with the objectives of the policies is necessary for their successful implementation. A Government servant should be no different from the citizen who have voted for certain principles and policies. It has been stated in certain quarters that prohibition policy has not been very much successful because of lack of dedication to the policy on the part of some of the Government servants who are required to implement it.

In the United Kingdom, restrictions on political activities by Government servants have been liberalised to a great extent. About two-thirds of the Government servants (industrial and non-industrial) are completely free from the restrictions and about a quarter are free, subject to the acceptance of the need for discretion to take part in all activities (except Parliamentary candidature) and national political

activities. Even in this last group as many as possible of them who so wish are given permission to take part in local Government and political activities of the local field. Those who are completely debarred include the executive, the professional, scientific, technical and administrative grades. A Government servant who is completely free of the restrictions and who intends standing for Parliament must resign his appointment before the nomination day. If he is not elected to Parliament, he will, on an application within a week of the declaration of the result, be re-instated in his previous capacity. If he is elected, he will be entitled to return to his post, provided that he ceases to be a member after an absence not exceeding five years and that he had not less than ten years' actual service before his election and that he applies for reinstatement within three months from the date he ceases to be a member. In France, Italy and Spain, the Civil servant elected to Parliament is granted indefinite leave of absence and if he ceases to be a Member of Parliament, he is entitled either to return to his post, or, if he is too old, he can retire from the service. In Denmark, Sweden and Austria, the Civil servant can remain in office and also sit in

Parliament. In these countries the precaution is taken that no Civil servant contests in the area where he had worked last. In Canada, a Civil servant is appointed as a Deputy Minister.

Shri C.D. Deshmukh, now Chairman of one of the Study Teams, had, as Vice-Chancellor of the Delhi University, quoted the example of Japan and suggested that senior and experienced officers should be taken up as Deputy Ministers. Under Articles 102 and 191 of the Constitution, a person (including a civil servant), while holding an office of profit under the Government is disqualified for being chosen as and for being a member of Parliament or the legislatures. However, the Representation of the People Act, 1951, contains provisions under which a member of the legislature can under certain circumstances be exempted from disqualification on the ground of his holding an office of profit, under the Government. The question to be considered is whether any relaxation of the conduct rules regarding the taking part in elections in this country should be made. It may, perhaps, be desirable that excepting certain categories of staff viz. those belonging to the higher services who are not even 2% of the strength of the entire Government staff, and certain others holding sensitive or vulnerable positions, majority of the other categories

of civil servants may be allowed to contest elections. At the present, this would not be possible for a person (other than a Minister) holding an office of profit under the Government is disqualified from being a Member of Parliament or the State Legislature. It would be possible to get over this bar by a declaration to that effect being made by a law passed by Parliament or the State Legislature as the case may be. The lien of a servant contesting election may be kept at least for one period of five years. It may be laid down that during the period of absence from Government duty he would lose only seniority and increments and he would be considered as not in Government employ. It may be provided that this absence may not entail forfeiture of past service when he returns to his post.

5.5.2 One of the conduct rules prohibits a Government servant engaging except with the previous sanction of the Government directly or indirectly in any trade or business or undertaking any other employment. Under Fundamental Rule 11, the whole of the time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner by the appropriate authority without any claim for additional remuneration. Acceptance of fees by Government servants

RIGHT TO TAKE
UP PRIVATE
TRADE OR
EMPLOYMENT FOR
LOWER PAID
STAFF

for services to a private or public body or persons is permitted only with the sanction of the competent authority and one-third of any fees in excess of Rs. 400/-, or if a recurring fee, of Rs. 250/- a year should be credited to Government. The sanction for acceptance of any part-time employment by Government servants is seldom sought by the Government servants themselves and, if applied for, rarely given. But evasions are of frequent occurrence. It is generally known that lower-paid Government employees are compelled to and do in fact supplement their income by doing such odd part-time jobs as giving tuition to the children, doing typing work part-time etc. In these days of high cost of living and of limited resources of Government to increase the pay scales of the lower paid employees, it is necessary to adopt a somewhat liberal policy in regard to the sanction of acceptance of part-time jobs by the low-paid employees. In the case of technical men such as engineers a less rigid attitude would not be misplaced. In the case of the civil servants, the maximum of whose scale is Rs. 500/- p.m., the grant of permission should be more generous than at present, provided it does not interfere with his official work and provided such permission is not likely to be abused by the employee. This measure will remove the

objection which lower paid employees can now make to the private practice permitted by Government to several officers in the medical department.

Likewise, teachers should be permitted to take up private tuitions which do not interfere with their official duties. At present, teachers employed in Government educational institutions take up private tuitions on the sly. Teachers are among the lowest paid people for the educational qualifications they possess. Permitting them to take up tuitions is one way of helping them. Other evil practices, such as favoured treatment to one's own pupils grow with these private tuitions. It is necessary that these tuitions are strictly supervised by the persons in charge of the educational institutions.

5.5.3 One of the conduct rules stipulates that "no government servant shall accept, without the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever." Under the provisions of another conduct rule, "a government servant may take part in the registration, promotion or management of a co-operative society substantially

CONDUCT
RULES TO BE
AMENDED.

for the benefit of government servants registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force". The rule does not contain the word 'cultural'.

Many registered societies have been formed by Government servants for cultural activities also. The rule should be enlarged to include the 'cultural' activities, even though by including the 'literary' activities in the objects of a society, the requirements of the rule can be met. The power of taking part in the registration, promotion or management of a co-operative society specifically allowed would be meaningless unless it includes the power to raise funds to carry out the objects of the society, provided the society is authorised in its memorandum of association to raise funds by means of donations and subscriptions. As there is apparent contradiction between the two rules cited, the position should be made clear beyond doubt, or controversy by specific amendments of the rules or necessary administrative instructions.

RECOMMENDATIONS FOR
ACTION
(21)

- 5.5.4 (1) There should be liberalisation of the rules regarding the eligibility of Government servants to contest elections.

Excepting certain special class of civil servants the others may be given the right to contest election subject to certain conditions and their service rights should be protected to a certain extent.

- (2) Low-paid Civil servants may with prior approval and subject to suitable restrictions be allowed to take up part-time employment after the working hours of the office.
- (3) The apparent contradictions in the Conduct Rules currently in force as for example between the rules 12 and 15 of the Central Civil Services (Conduct) Rules, 1964, should be resolved by appropriate amendments or administrative instructions.

ANNEXURE TO CHAPTER V

(Para 5.1.22 of the Report)

ANNEXURE TO CHAPTER V

(Para 5.1.22 of the Report)

An Act to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to civil servants and for procedures so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Be it enacted by Parliament as follows:-

CHAPTER I - Preliminary

SHORT TITLE 1. (1) This Act may be called the civil
& COMPLENCE- Servants (Restriction of Rights and Maintenance
MENT. of Discipline) Act, 196__.

(2) It shall extend to the whole of
India.

(3) It shall come into force on such
date as the Central Government may, by notifi-
cation in the Official Gazette, appoint in
this behalf.

DEFINITIONS 2. In this Act, unless the context
otherwise requires:-

(1) "Appointing authority" in rela-
tion to a Civil Servant means -

- (i) the authority empowered to make appointments to the Service of which the Civil servant is for the time being a member or to the grade of the Service in which the Civil Servant is for the time being included, or
- (ii) the authority empowered to make appointments to the post which the Civil servant for the time being holds, or
- (iii) the authority which appointed the Civil servant to such Service, grade or post, as the case may be, or

- (iv) where the Civil servant having been a permanent member of any other Service or having substantially held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post.

(2) "Civil Servant" means a person appointed to any Civil service or Civil post in connection with the affairs of the Union, who is not subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act 1957, and includes every member of the All-India Services and every holder of a Civil post under the Union wherever he may be employed and every person in the service or pay of the Government of a Union Territory.

(3) "Criminal Court" means a court of ordinary criminal justice in any part of India.

(3(viii) of Army Act).

(4) "Departmental enquiry" means a proceeding in which a charge or accusation of an offence against a Civil servant is enquired into by a disciplinary tribunal under this Act.

(5) "Department of the Government of India" means any establishment or organisation declared by the President by a notification in the official Gazette to be a department of the Government of India.

(6) "Disciplinary authority" means any authority competent to impose any of the punishments specified in this Act on a Civil Servant.

(7) "Disciplinary proceedings" means a departmental enquiry or trial before a disciplinary tribunal or a trial initiated under this Act in a Criminal Court.

(8) "Disciplinary Tribunal" means the tribunal constituted for holding a departmental enquiry under this Act.

(9) "Disruption of work" means and includes any disturbance, dislocation, interruption, slowing down or cessation of or in the normal conduct or pace or flow of work in connection with the affairs of the Union.

(10) "Government" mean the Central Government.

(11) "Head of the Department" for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority declared to be the head of the department in the schedule to this Act.

(12) "Illegal gratification" means gratification, whether received in service or kind or money which is not included in remuneration, salary, allowance, amenity, service, consideration, gift, facility or reward permitted or allowed by law, (and includes a bribe as defined in the Indian Penal Code).

(13) "Member of the family" in relation to a Government servant includes:-

- (i) the wife or husband as the case may be, of the Government servant whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent court;
- (ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

(14) "Mischief" shall have the same meaning as defined in section 425 of the Indian Penal Code.

(15) "Notification" means a notification published in the Official Gazette of the Government of India.

(16) "Offence" means an act or omission punishable under this Act.

(17) "Prescribed" means prescribed by rules made under this Act.

(18) "Prescribed Authority" means the authority as may be specified by the Government by order made in this behalf for discharging any function prescribed under this Act or under the rules made under this Act.

(19) "Presenting authority" means any person or authority nominated by the Government or by an initiating authority to present a case for enquiry before a disciplinary tribunal or before a Criminal Court.

(20) "Public nuisance" shall have the same meaning as defined in section 268, Indian Penal Code.

(21) "Public utility" means any service, duty or sets of duties entrusted to a Civil servant or to any class or category of Civil servants and declared to be a public utility service under this Act.

(22) "Strike" means any intentional disruption of work by a Civil servant or a body of Civil servants acting singly or in combination or under a common understanding.

(23) "Trial" means a proceeding in which a charge or accusation of an offence against a Civil servant is enquired into by a criminal court.

(24) "Wrongful confinement" shall have the same meaning as defined in section 340 of the Indian Penal Code.

(25) "Wrongful restraint" shall have the same meaning as defined in section 339 of the Indian Penal Code.

(26) All words and expressions used but not defined in this Act and defined in the Indian Penal Code shall be deemed to have the same meanings assigned to them in that Code.

CHAPTER II - Some General Provisions.

- PERSONS
SUBJECT TO
THIS ACT.
(S.2 Army Act)
3. (1) All Civil servants shall be subject to this Act wherever they may be whether in India or outside.
- APPLICATION
OF ACT TO
CIVIL SER-
VANTS
(S.4 Army
Act).
- (2) The Government may by notification apply all or any of the provisions of this Act to any class or category of Civil servants and suspend the operation of all or any of the provisions of this Act in regard to a class or category of Civil servants, for specified reasons and in the interests of the general public and the maintenance of discipline.
- PUBLIC
UTILITY
SERVICES.
4. The following shall be deemed to be public utility services:
- (i) any railway service,
 - (ii) any postal, telegraph or telephone service,
 - (iii) any service or duty or set of duties entrusted to a Civil servant or to a class or category of Civil servants in connection with the supply of power, light or water to the public or in connection with public health, public conservancy, public safety or sanitation, or automobile, air and water transport;
 - (iv) any catering service or mess; and
 - (v) any service or duty or set of duties entrusted to a Civil servant or to a class or a category of Civil servants which the Government may, if satisfied that public interest so requires in an emergency local or otherwise, declare by notification to be a public utility service for such period not exceeding six months at a time as may be specified in the notification.
- (Compare
definition
in Industrial
Disputes Act).

5. The Government may be notification make rules restricting to such extent and such manner as may be necessary the right of any Civil servant or class or category of Civil servants:-

- (i) to be a member or to be in any way associated with any trade union, labour union or guild or any class of trade or labour unions or guilds or any society institution or association, or any class of societies, institutions or associations.
- (ii) to attend or address any meeting or to take part in any demonstration organized by any body of persons for any political or other purpose.
- (iii) to communicate with the press or the radio or to publish or cause to be published any book, letter or other document.
- (iv) to engage himself or to be interested directly or indirectly in any trade or business or to undertake any other employment or profession or source of income; and
- (v) in regard to the ownership of, or acquisition by purchase, gift or otherwise of, or disposal of moveable or immoveable property.

POWER TO
MODIFY
CERTAIN
FUNDAMENTAL
RIGHTS IN
THEIR APPLI-
CATION TO
PERSONS SUB-
JECT TO THIS
ACT.

(S. 21 Army
Act).
(Act. 33 Consti-
tution to be
amended).

6. (1) Every Civil Servant shall, at all times maintain absolute integrity, decorum of conduct and devotion to duty and shall do nothing which is unbecoming of him.

DIRECTIVE
OUTLINES OF
CONDUCT OF
CIVIL SER-
VANTS.

(2) Every Civil servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

(Rule 3 of
C.C.S.(Con-
duct) Rules,
1964).

Explanation: Nothing in this sub-section shall be construed as empowering a Civil servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

(Rule 3 of C.C.S. (Conduct) Rules, 1964) (3) Every Civil servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Civil servants for the time being under his control and authority.

LITIGATION IN SERVICE MATTERS. 7. A disciplinary tribunal or a review or appellate tribunal or an appointing authority shall have exclusive jurisdiction to exercise their respective functions to enquire into, determine, decide or dispose of, any matter which it is, by or under this Act, empowered to enquire into, determine, decide or dispose of and no Civil Court shall exercise jurisdiction as to any of such matters.

CHAPTER III - Offences by Civil Servants

WHAT
CONSTITUTES
OFFENCE.

8. Any act or omission by a Civil servant which contravenes any of the provisions of Section 9 to 33 shall amount to an offence punishable under this Act.

BREACHES
AGAINST
RULES
FRAMED
UNDER
SECTION 5.

9. No Civil servant shall commit a breach of any of the rules framed under Section 5 in regard to:-

- (a) membership of any trade union or labour union or guild or any society institution or association, or any class of societies, institutions of associations;
- (b) attending or addressing any meeting or taking part in any demonstration organised by any body of persons for any political or other purpose;
- (c) communicating with the press or the press or the radio or publishing or causing to be published any book, letter, or other document;
- (d) engaging himself or being interested directly or indirectly in any trade or business or undertaking any other employment or profession; and
- (e) ownership of or acquisition by purchase, gift, or otherwise of, or disposal of moveable or immovable property.

(Act, 33 of
the Constitu-
tion).

EMPLOYMENT
OF MEMBERS
OF FAMILY
IN PRIVATE
UNDERTAKINGS

10. (1) No Civil servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any private or other undertaking.

*

- (2) (i) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealings with the Government;

* Note: To be modified if such classification is abolished.

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent; the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

- (ii) A Government servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that undertaking:

Provided that no such intimation shall be necessary in the case of a Class I Officer if he has already obtained the sanction of, or sent a report to the Government under clause (i).

(3) No Civil servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family is employed in that undertaking or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Civil servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

1 . No Civil servant shall unless permitted by Government to stand as a candidate for election himself canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority:

TAKING PART
IN ELECTIONS.

Provided that

- (i) a Civil servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

- (ii) a Civil servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation: The display by a Civil servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election with the meaning of this sub-rule.

CRITICISM
OF GOVERN-
MENT.

12. No Civil servant shall, in any radio broadcast or in any document published in his own name or in any communication to the press or in any public utterance or by any gesture make any statement of fact or opinion -

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government;
- (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or as between a State Government and any other State Government.
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State or between the Government of any State and the Government of any foreign State;

Provided that nothing in this rule shall apply to any statements made or views expressed by a Civil servant in his official capacity or in the due performance of the duties assigned to him.

EVIDENCE
BEFORE
COMMITTEE
OR ANY
OTHER
AUTHORITY.

13. (1) Save as provided in sub-clause (3), no Civil servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-clause (1), no Civil servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.

(3) Nothing in this rule shall apply to -

- (i) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature; or
- (ii) evidence given in any judicial enquiry; or
- (iii) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

14. No Civil servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Civil servant or any other person to whom he is not authorised to communicate such document or information, or quote from any official document or any part thereof or information in memorials, petitions or representations concerning himself on matters pertaining to his service under Govt.

UNAUTHORISED
COMMUNICATION
OF
INFORMATION.

15. No Civil servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

SUBSCRIPTIONS.

16. A Civil servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Civil servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the Government.

INSOLVENCY
AND
HABITUAL
INDEBTEDNESS.

Note:-The burden of proving that indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the Civil servant

could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Civil servant.

BIGAMOUS MARRIAGES. 17. (1) No Civil servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Civil servant shall marry any person who has a wife living without first obtaining the permission of the Government.

CONSUMPTION OF INTOXICATING DRINKS & DRUGS. 18. A Civil servant shall -

- (i) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (ii) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;
- (iii) not appear in a public place in a state of intoxication; and
- (iv) not habitually use any intoxicating drink or drug to excess.

USE OF AMENITIES. 19. No Civil servant shall, negligently or intentionally, misuse or damage or cause to be damaged or misappropriate or cause to be misappropriated any amenity provided for him by the Government to facilitate the discharge of his official duties.

(Rule 19 of Mysore Civil Services (Conduct) Rules, 1966.) Explanation: A house allotted by Government to a Civil servant as such for his residence, whether such house be owned by the Central Government or not, shall be deemed to be such an amenity.

MISAPPROPRIATION 20. No Civil servant shall, negligently or intentionally, misuse or misappropriate or cause to be misused or misappropriated any Government monies or Government properties for the time being in his personal charge.

21. No Civil servant shall without the previous sanction of the prescribed authority act as a legal guardian of the person or property of a minor other than the members of his family.

GUARDIANSHIP
OF MINORS.
(Rule 25 of
M.C.S.(Conduct)
Rules, 1966.)

22. No Civil servant shall bring or attempt to bring any political or other undue influence or pressure to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government or to the service of any other Civil servant under the Central or State Government.

USE OF UNDU
INFLUENCE OR
PRESSURE TO
FURTHER INTER-
ESTS OF CIVIL
SERVANTS. (Rule
20 of C.C.S.
(Conduct) Rules,
1964.

23. No Civil servant shall, in the exercise of his official functions, accept or agree to accept or attempt to obtain from any person for himself or for any other person any illegal gratification as a motive or reward for doing or forbearing to do any official act or to show favour or disfavour or render any service or disservice to any person.

RECEIVING
ILLEGAL
GRATIFICATION.
(S.161,
I.P. Code).

24. No Civil servant shall accept or agree to accept or attempt to obtain from any person for himself or for any other person any illegal gratification as a motive or reward for inducing by the undue exercise of his influence or pressure on any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person or to render any service or disservice to any person with the Central or any State Government or the Parliament or the Legislature of any State or with any public servant as such.

USE OF UNDU
INFLUENCE OR
PRESSURE.
(S.163 of
I.P. Code).

25. No Civil servant shall make improper use for the personal benefit of himself or of any other person any information which he has obtained or has come to know in the course of his official duties.

IMPROPER
USE OF
INFORMATION
OBTAINED AS
CIVIL SERVANT.

26. No Civil servant shall commence or continue or otherwise act in furtherance of a strike.

STRIKE
(S. 4
&

S.5 of
Mysore
State Civil
Services
(Prevention
of Strikes)
Act, 1966).

27. No Civil servant shall instigate or incite any Civil servant or Civil servants to take part in or otherwise act in furtherance of a strike or assist financially or otherwise in furtherance of a strike.

MISCHIEF
OR PUBLIC
NUISANCE.

28. No Civil servant shall commit any mischief or public nuisance in any office of the Central or a State Government or in any place of work of the Central or a State Government while acting or purporting to act in furtherance of his interests in respect of matters pertaining to his service or the service of any other Civil servant under the Central or State Government.

WRONGFUL
RESTRAINT
& WRONGFUL
CONFINEMENT.

29. No Civil servant shall commit or cause to be committed any act of wrongful restraint or wrongful confinement against any person while acting or purporting to act in furtherance of his interests in respect of matters pertaining to his service or the service of any other Civil servant under the Central or a State Government.

ABSENCE
WITHOUT
LEAVE.
(S.39
Army Act.)

30. No Civil servant shall remain absent without leave without just cause; or without sufficient cause over-stay leave granted to him; or being on leave of absence and having received orders of recall to duty, fail without sufficient cause to rejoin duty without delay.

WILFUL DE-
FIANCE OF
SUPERIOR
AUTHORITY
(S. 41, Army
Act)

31. No Civil servant shall conduct himself in such a manner as to show wilful defiance or contempt or insubordinate attitude to a superior officer or authority as such.

DISGRACE-
FUL CONDUCT;
FEIGNING,
ETC. (S.45,
46,47, Army
Act).

32. No Civil servant shall commit the following offences, that is to say:-

- (i) being guilty of any disgraceful or indecent conduct which reflects on the reputation of the Civil services,
- (ii) malingering, feigning or causing disease or infirmity or hurt to himself so as to cause any disruption of work;

- (iii) ill-treating any Civil servant subordinate to him;
- (iv) behaving in a manner unbecoming (S. 63, of his position and the character Army Act) expected of him; and
- (v) being guilty of any act or omission which, though not specified in this Act, is prejudicial to good order, discipline or peace.

33. Any Civil servant who attempts or abets any of the offences involving sections 9 to 24 shall be liable to suffer the punishment provided for the offence so attempted or abetted. ATTEMPT OR ABETMENT.

34. Any person who is not subject to this Act and who abets or incites Civil servants to commit any of the offences involving sections 9 to 24 shall be liable under this Act to suffer the punishment provided in a trial for the offence so abetted. ADJUDICATED BY PERSONS NOT SUBJECT TO THIS ACT.

CHAPTER IV - Offences by Associations.

LIABILITY
OF CIVIL
SERVANTS
IN CHARGE
OF ASSO-
CIATIONS
FOR OFFENCES
BY
ASSOCIATIONS.
(S.5,
Mysore
State
Civil
Services
(Prevention
of Strikes)
Act. 1966)

35. (1) Where an association has committed the offence of strike or of wrongful restraint or wrongful confinement or of mischief or of public nuisance or of intimidation of Civil servants going to work or at work or civil servants who have refrained from participating in any illegal activity of the said association, or has committed the offence of abetment of an offence by Civil servants, every Civil servant who at the time the offence was responsible to the association for the conduct of the business of the association, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished in the manner Civil servants are likewise individually liable.

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in section 36, where any such offence has been committed by an association and it is proved that the said offence has been committed with the connivance or consent of or is attributable to any neglect on the part of, any member of the executive or managing committee of the association or any manager, secretary or other officer of the association, such member, manager, secretary, or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purpose of this section association means anybody of individuals whether incorporated or not.

COLLECTIVE
FINES.

36. (1) Where as the result of commission by an association of any of the offences mentioned in sub-section (1) of Section 35 there has been any damage to any private or public property or to the property of the Central Government or State Government or loss or injury to any person or persons, the Government may, after such enquiry as is considered just an expedient and subject to such rules as may be prescribed impose a collective fine upon those Civil servants who in the judgment of the Government should be held responsible for such damage or loss or injury.

(2) Such fine shall be assessed as a percentage on the salary of the individuals on whom it falls and shall be recoverable from any remuneration or allowance due to the Civil servant from the Central or a State Government.

INITIATION OF DISCIPLINARY PROCEEDINGS. 37. Government or the appropriate disciplinary authority may institute disciplinary proceedings against any Civil servant.

PRESENTING AUTHORITY. 38. (1) The Government or the appropriate disciplinary authority may by general or special order appoint a presenting authority to present and conduct on its behalf the case against a Civil servant before a criminal court or before a disciplinary tribunal.

(2) The presenting authority so appointed may be a Civil servant or a legal practitioner.

DISCIPLINARY TRIBUNAL. 39. (1) The Government may by notification appoint to each district or districts or part of a district or to one or more departments of the Government of India a disciplinary tribunal and may extend or alter the jurisdiction of the disciplinary tribunal.

ADDITIONAL DISCIPLINARY TRIBUNALS. (2) The Government may appoint an additional disciplinary tribunal for any particular departmental enquiry or for a class of departmental enquiries.

MAGISTERIAL POWERS FOR DISCIPLINARY TRIBUNALS. (3) The Government may invest a member of a disciplinary tribunal with the powers of a magistrate for the disposal of trials under this act.

COMPOSITION OF DISCIPLINARY TRIBUNAL. 40. (1) A disciplinary tribunal may consist of one or more members as may be determined by the Government from time to time.

(2) No one shall be appointed as a member of a disciplinary tribunal who has served for less than five years as a Civil judicial post or who has been a member of the Central Legal Service for less than three years or as a magistrate under the Central or a State Government for less than five years, or who has been in practice as an advocate for less than eight years.

(3) A disciplinary tribunal may when conducting a departmental enquiry coopt an Assessor to assist it. Such Assessor shall be an officer of *gazetted rank and shall be higher in rank to the Civil servant or Civil servants charged in the departmental enquiry.

ASSESSORS.
(3.3(4) of
the Orissa
disciplinary
proceedings
(Administrative
Tribunals)
Rules, 1951).

* To be replaced by appropriate term if the categorisation is abolished.

CHAPTER VI - PENALTIES

PENALTIES
AWARDABLE
BY GOVERN-
MENT, BY
DISCIPLINARY
TRIBUNALS &
BY CRIMINAL
COURTS.

41. Penalties may be inflicted by Government disciplinary tribunals and criminal courts in respect of offences committed by Civil servants according to the scale following, that is to say:-

- (i) Imprisonment either rigorous or simple for any period not exceeding four years, with or without fine.
- (ii) Fine.
- (iii) Dismissal from service.
- (iv) Removal from service.
- (v) Compulsory retirement.
- (vi) Reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Civil servant to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the civil servant was reduced and his seniority and pay on such restoration to that grade, post or service.
- (vii) Reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Civil servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay.
- (viii) Withholding of increments of pay.
- (ix) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders.
- (x) Censure.

Explanation: Recovery from pay, leave salary or other allowance due from the Central or State Government to the civil servant shall not be deemed to be fine for the purpose of this section.

The following shall not amount to a penalty within the meaning of this section, viz.,

- (i) withholding of increments of pay of a Civil servant for his failure to pass any departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;
- (ii) stoppage of a Civil servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) reversion of a Civil servant, appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the terms of his appointment or the rules and orders governing such probation;
- (iv) replacement of the service of a civil servant, whose services had been borrowed from a State Government or any authority under the control of the State Government, at the disposal of the State Government or the authority from which the services of such Government servant had been borrowed;
- (v) compulsory retirement of a Civil servant in accordance with the provisions relating to his superannuation or retirement; and
- (vi) termination of the services -
 - (a) of a Civil servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or

- (b) of a temporary Civil servant in accordance with the provisions of sub-rules (1) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965; or
- (c) of a Civil servant, employed under an agreement, in accordance with the terms of such agreement.

PENALTIES
AWARDABLE
IN TRIALS. 42. penalties specified in clauses (i) and (ii) of section 41 are awardable only after trial by a Criminal Court having jurisdiction.

PENALTIES
AWARDABLE
OTHERWISE
THAN IN
TRIALS. 43. Penalties specified in clauses (iii) to (x) of section 41 may be imposed on a Civil servant by the Government or by the disciplinary authority as the case may be after the completion of any enquiry in a departmental enquiry:

Provided that the penalties specified in clauses (viii) to (x) of section 41 may, if the Government or the appropriate disciplinary authority is of the opinion that a departmental enquiry is not necessary, be imposed by the Government or by appropriate disciplinary authority on a Civil servant without a departmental enquiry, but not before:

- (a) informing the Civil servant in writing of the proposal to take action against him and of the accusation of the offence on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;
- (b) taking into consideration the representation, if any, submitted by the Civil servant under clause (a);
- (c) recording a finding on each accusation;
- (d) consulting the Commission where such consultation is necessary.

Provided further that if Government or the appropriate Disciplinary Authority, after taking into consideration the representation, if any, submitted by the Civil servant under clause (a) of the preceding proviso, deems it necessary to record evidence, the case shall be referred by the Government or by such Disciplinary Authority to the Disciplinary Tribunal for holding a Departmental Enquiry.

44. (1) A Civil servant may be punished by his immediate superior officer in any one of the following ways for offences involving sections 26 to 32 and for attempts or abetments of such offences:-

PENALTIES
AWARDABLE
BY IMMEDIATE
SUPERIOR
OFFICERS.

- (i) forfeiture of pay and allowances, with or without suspension, for a period not exceeding two days;
- (ii) forfeiture of casual leave or earned leave or a combination of both the types of leaves for a period not exceeding seven days;
- (iii) severe warning; and
- (iv) warning.

(2) The penalties awardable under sub-section (1) shall not be a bar to the penalties for the same offences under section 42.

(3) The proceedings for inflicting penalties under this section shall be of a summary nature in accordance with rules framed for this purpose by Government.

PROCEEDINGS
TO BE SUM-
MARY.

45. Subject to the provisions of section 46 a Civil servant awarded penalty under any law other than this Act shall be further liable to be awarded penalties specified in clauses (iii) to (x) of section 41 under this Act.

PENALTY
UNDER THIS
ACT FOR
OFFENCES
FOR WHICH
PENALTY
HAS BEEN
AWARDED UNDER
OTHER LAWS.

46. A Civil servant may be dismissed or removed from service by the Government or by the disciplinary authority without any further enquiry if he is convicted in a criminal court and sentenced to simple or rigorous imprisonment for three months or more for an offence under this Act, or for any offence involving moral turpitude under any other law.

DISMISSAL
OR REMOVAL
ON CONVIC-
TION.

OFFENCES
BY CIVIL
SERVANTS
IN PUBLIC
UTILITY
SERVICES.

47. A Civil servant entrusted with any duty connected with or arising out of a public utility service shall be liable to be -

(1) dismissed if he commits an

(i) offence involving section 26 or 27 if, as a result of the strike materialising, there has been a breakdown in the public utility service or any part of it.

(ii) offence involving sections 28 to 31 if the commission of the said offence has led to a breakdown in the public utility service or any part of it or to such damage or stoppage or injury to any installation in the public utility service as has caused a breakdown in that service or any part of that service.

(2) punished for any other offence more severely than a Civil servant not engaged in a public utility service, in the manner specified in the schedule.

PENALTIES
FOR RE-
PEATED
OFFENCES.

48. A Civil servant accused of an offence shall be liable to more severe penalty if he has previously been punished for any offence under this Act in a departmental enquiry or in a trial.

CHAPTER VII - Procedures for trials &
departmental enquiries.

49. The jurisdiction of a disciplinary tribunal shall be over all Civil servants in the area or in the department or departments to which it has been appointed.

JURISDICTION
OVER TRIALS &
DEPARTMENTAL
ENQUIRIES AND
TRIALS.

50. The disciplinary authority, on receipt of an accusation against a Civil servant, and after considering the nature and degree of the offence with which the Civil servant is accused, shall have discretion to decide whether the Civil servant is to be proceeded against in a departmental enquiry or in a trial or under the first proviso to section 43 or under section 44, and to forward the case to the authority concerned.

ACTION BY
DISCIPLINARY
AUTHORITY.

51. The disciplinary authority may hold or cause to be held such preliminary enquiry as is considered necessary with or without the help of the Police Department or of such special agency set-up for this purpose into the accusation received against a Civil servant before taking action under the preceding section.

52. (1) If a case has been presented to the disciplinary tribunal as a departmental enquiry the disciplinary tribunal shall, after the enquiry is completed in the prescribed manner, record a finding or findings on the charges and transmit the same to the disciplinary authority. 290 -

MANNER OF
DISPOSAL OF
DEPARTMENTAL
ENQUIRY.

(2) The disciplinary authority shall accept the findings of the disciplinary tribunal, unless it decides to present an appeal against the findings, and shall proceed to impose punishment on the Civil servant.

53. If a case has been presented to the Criminal Court, it shall dispose of the case in accordance with the provisions of the Criminal Procedure Code.

MANNER OF
DISPOSAL OF
A TRIAL.

APPLICABILITY OF SEC. 197 CRIMINAL PROCEDURE CODE. 54. A decision by the appropriate disciplinary authority to transmit a case for trial shall be deemed to be a decision by the Central Government under section 197 of the Criminal Procedure Code, if such decision be necessary, to prosecute the civil servant accused of the offence.

PUNISHMENT IN A DEPARTMENTAL ENQUIRY 55. (1) The disciplinary authority shall not impose a punishment more severe than the punishment prescribed for the particular offence in the schedule in this behalf.

PENALTY IN A MAGISTERIAL PROCEEDING. (2) The Criminal Court shall not impose a penalty more severe than that prescribed for the particular offence in the schedule in this behalf.

PRESUMPTION OF GUILT IN CERTAIN CASES (Clause 5(2) Mysore State C.S. Bill 1966). 56. If in any departmental enquiry against a Civil servant for corruption or bribery it is proved that the Civil servant or any person on his behalf is in possession or has, at any time during the period of office of such servant, been in possession, for which such servant cannot satisfactorily account, of pecuniary sources or property disproportionate to his known sources of income, then on such proof, the tribunal shall presume, unless the contrary is proved that such Civil servant is guilty of such misconduct.

POWERS OF DISCIPLINARY TRIBUNALS TO SUMMON WITNESSES ETC. 57. (1) The disciplinary tribunal shall have the same power for punishing contempts and obstructions to his proceedings, as is given to Civil and Criminal Courts by the Code of Criminal Procedure 1898; and shall have the powers of a Civil Court, while trying a suit under the Code of Civil Procedure 1908, in respect of the following matters, viz.,

- (i) Summoning and enforcing the attendance of any person as witness and examining him on oath;
- (ii) Receiving evidence on affidavits;
- (iii) Issuing commissions for the examination of witnesses or documents;
- (iv) Requiring the discovery and production of any document or any other thing.

(v) Requisitioning any public record or copy thereof from any Court or Office;

(vi) Any other matter which may be prescribed.

(2) The disciplinary tribunal or any other person specially authorised by him in this behalf may enter any building or place where the disciplinary tribunal has reason to believe that any book or account or other document or thing relating to the subject matter of the inquiry may be found, and may seize any such book or account or document or thing or take an extract or copy of such book or document, subject to the provisions of Section 102 and Section 103 of the Code of Criminal Procedure 1898, in so far as they may be applicable.

(3) Any proceedings before the disciplinary tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the

(4) Every person disobeying any lawful process or order issued by the disciplinary tribunal shall be liable to the same penalties as the person disobeying the order of a Court made in respect of the matters enumerated in the foregoing Section.

58. Where two or more Civil servants are concerned in any case, the disciplinary authority competent to impose the penalty of dismissal from service on all such Civil servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding. COMMON PROCEEDINGS.

Note:- If the authorities competent to impose the penalty of dismissal on such Civil servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others, and such authority which may function as the disciplinary authority for the purpose of such common proceeding.

59. Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or where the Central Government is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, the disciplinary SPECIAL PROCEDURE IN CERTAIN CASES.

authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.

PROVISIONS
REGARDING
OFFICERS
LENT TO
STATE
GOVERNMENTS
ETC.

60. (1) Where the services of a Civil servant are lent by one department to another department or to a State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Civil servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him:

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Civil servant (hereinafter in this rule referred to as "the lending authority") of the circumstances leading to the order of suspension of such Civil servant or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Civil servant -

- (a) if the borrowing authority is of the opinion that any of the penalties specified in clauses (viii) to (x) of section 41 should be imposed on the Civil servant, it may, after consultation with the lending authority, make such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Civil servant shall be replaced at the disposal of the lending authority;

- (b) if the borrowing authority is of the opinion that any of the penalties specified in clauses (iii) to (vii) of section 41 should be imposed on the Civil servant, it shall replace

his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary, or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary:

Provided that before passing any such order the disciplinary authority shall comply with the provisions of section 66.

Explanation: The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with Section 66.

61. (1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Civil servant whose services have been borrowed by one department from another department or from a State Government or an authority subordinat thereto or a local or other authority, the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the Civil servant or of the commencement of the disciplinary proceeding, as the case may be.

PROVISIONS
REGARDING
OFFICERS
BORROWED
FROM STATE
GOVERNMENTS
ETC.

(2) In the light of the findings in the disciplinary proceeding conducted against the Civil servant if the disciplinary authority is of the opinion that any of the punishments specified in clauses (viii) to (x) of Section 41 should be imposed on him, it may, subject to the provisions of Sec. 81 and after consultation with the lending authority, pass such orders on the case as it may deem necessary:

- (i) provided that in the event of difference of opinion between the borrowing authority and the lending authority the services of the Civil servant shall be replaced at the disposal of the lending authority;
- (ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (iii) to (vii) of Sec. 41 should be imposed on the Civil servant, it shall replace the services of such Civil servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

SUSPENSION.

62. (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Central Government by general or special order, may place a Civil servant under suspension -

- (i) where a disciplinary proceeding against him is contemplated or is pending, or
- (ii) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

(2) A Civil servant shall be deemed to have been placed under suspension by an order of appointing authority -

- (i) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
- (ii) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation: The period of forty-eight hours referred to in clause (ii) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Civil servant under suspension is set aside in appeal or on review under these sections and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Civil servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Civil servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (i) An order of suspension made or deemed to have been made under this section shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(ii) Where a Civil servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Civil servant shall continue to be under suspension until the termination of all or any of such proceedings.

(iii) An order of suspension made or deemed to have been made under this rule may

at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

- (iv) The period of suspension shall not exceed six months in respect of the accusation which led to the suspension, except with the approval of the authority superior to the suspending authority or with the approval of the President.

SUSPENSION BY IMMEDIATE SUPERIOR OFFICER 63. (1) The immediate superior officer of a Civil servant may suspend the Civil servant who is accused of an offence if such offence is considered to require enquiry by a disciplinary tribunal or trial by a Criminal Court.

(2) A report of the order of suspension under sub-section (1) shall, where the order of suspension is not passed by the competent authority himself be sent immediately to the competent authority who may confirm the order of suspension and shall pass such orders as he deemed fit, having regard to the nature and degree of the offence, for the disposal of the accusation under this Act.

ARREST AND BAIL. 64. The provisions for arrest and bail in trial cases shall be the same as prescribed in the Criminal Procedure Code:

(S.9A of Mysore State Civil Services (Prevention of Strikes) Amendment Act, 1967).

Provided that no person accused or convicted of an offence and sentenced to imprisonment of three months or more shall, if in custody, be released on bail or on his own bond unless the presenting authority has been given an opportunity to oppose the application for such release.

65. (1) A disciplinary authority may for reasons to be recorded in writing suspend a departmental enquiry and order a trial of the Civil servant concerned if in the course of the departmental enquiry it transpires that the gravity of the accusations against the Civil servant justify his trial.

(2) A disciplinary authority may for reasons to be recorded in writing direct the presenting authority to withdraw a trial proceeding from the Criminal Court in which it is

pending and may order that a departmental enquiry shall be held on the same accusations against the Civil servant.

66. (1) Whenever action for the imposition of any of the penalties specified in clauses (i) to (x) of Section 41 is to be taken against a Civil servant, the Government or the disciplinary authority may order a trial under Section 42 or may draw or may cause the substance of the accusation to be drawn up into distinct articles of charge and shall deliver or cause to be delivered to the accused Civil servant, a copy of the articles of charge, requiring him to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person, and may initiate proceedings under Sec. 43.

FIRST ACTION
BY DISCIPLINARY
AUTHORITY.

67. If a trial has been ordered under the preceding section, the presenting officer shall present the complaint before the Criminal Court having jurisdiction and shall conduct the case on behalf of the disciplinary authority and the Criminal Court shall dispose of the case according to law.

COMMENCEMENT
OF TRIAL.

68. Where a departmental enquiry has been ordered under Section 43 the presenting officer shall present the case before the disciplinary tribunal alongwith the charges and shall conduct the enquiry on behalf of the disciplinary authority.

COMMENCEMENT
OF DEPARTMENTAL
ENQUIRY.

69. Notice of the ³⁰⁰presentation of the case shall be given to the accused Civil servant by the Government or by the disciplinary authority ordering the inquiry, as the case may be, at least ten days before the beginning of the enquiry, by means of a written communication which shall be accompanied by a copy of the articles of charge, statement of allegations on which such articles of charge are based and a list of documents and witnesses by which each charge is to be sustained.

NOTICE TO
ACCUSED
CIVIL
SERVANT.

LEGAL PRACTITIONER FOR THE ACCUSED. 70. An accused Civil servant may engage a legal practitioner in a departmental enquiry.

APPEARANCE OF CIVIL SERVANT FOR MAKING PLEA. 71. The accused Civil servant shall be summoned to appear in person before the disciplinary tribunal and on his appearing before the tribunal shall be required to plead guilty or not guilty to each of them, which plea shall be forthwith recorded with the articles of charge. If the accused civil servant refuses or without feasonable cause neglects to appear to answer the charge, he shall be taken to admit the truth of the articles of charge.

PROCEDURE IN CASE CIVIL SERVANT PLEADS NOT GUILTY. 72. (1) If the accused Civil servant pleads not guilty to all or any of the articles of the charge, he shall forthwith submit a list of documents and witnesses to be produced by him for meeting the charges in respect of which he has pleaded not guilty.

PROCEDURE IN CASE CIVIL SERVANT PLEADS GUILTY. (2) If the accused Civil servant pleads guilty to the charges, the disciplinary authority shall record the plea and shall forthwith submit to the Government or the disciplinary authority as the case may be, the record of his proceedings. The Government or the disciplinary authority ordering the inquiry as the case may be, may thereupon impose upon the Civil servant any of the punishments specified in clauses (iii) to (x) of Sec. 41 or pass such order as is consistent with its powers in such cases.

EVIDENCE IN SUPPORT OF CHARGES AND EXAMINATION OF WITNESSES. 73. (1) The disciplinary tribunal shall then proceed to take all such evidence as may be produced in support of the charges in respect of which the Civil servant has pleaded not guilty. The Civil servant shall be at liberty to cross-examine the witnesses examined in support of the charges and in such case the presenting officer may re-examine them but not on any new matter without the leave of the disciplinary tribunal which also may put such questions as it thinks fit.

(2) The disciplinary tribunal may in its discretion allow the presenting officer to produce evidence not included in the list given to the accused Civil servant.

74. (1) On the conclusion of the evidence in support of the charges, the disciplinary tribunal may question the Civil servant in respect of the circumstances appearing against him in evidence and may take into consideration the answers given by him.

EXAMINATION OF
THE ACCUSED
CIVIL SERVANT.

(2) The accused Civil servant shall be entitled to give evidence on oath in disproof of the charges made against him or any other public servant charged together.

RIGHT OF CIVIL
SERVANT TO GIVE
EVIDENCE IN DIS-
PROOF OF CHARGES

75. The disciplinary tribunal shall then proceed to take all such evidence for the defence as has been specified in the list furnished by the Civil servant and the witnesses examined shall be liable to cross-examination by the presenting officer and re-examination by the Civil servant and to examination by the disciplinary tribunal according to the like rules as the witnesses in support of the charges.

EVIDENCE FOR
DEFENCE AND
EXAMINATION
OF WITNESSES.

76. The disciplinary tribunal may at its discretion call for any evidence at any stage of the enquiry if it thinks it necessary so to do in the interests of justice and, for reasons to be recorded by it may disallow any evidence which it considers irrelevant for the purpose of the enquiry or which in its opinion is intended to cause vexatious delay or to defeat the ends of justice.

POWER OF THE
TRIBUNAL OF
ENQUIRY TO
CALL FOR OR
DISALLOW
EVIDENCE.

77. The disciplinary tribunal shall take note of all oral evidence, which shall be read over to and got signed by each witness in the language in which it was given.

NOTES OF
ORAL EVIDENCE.

78. On the conclusion of the evidence the presenting officer shall be entitled to address the disciplinary tribunal generally on the whole case and the Civil servant shall have the right of an oral reply as also of submitting a written reply.

THE PRESENTING
OFFICER
AND THE CIVIL
SERVANT TO
ADDRESS THE
TRIBUNAL.

79. (1) When the disciplinary tribunal shall be of the opinion that the articles of charge or any of them are not drawn up

POWER TO
DEMAND THE
CHARGES.

With sufficient clearness and precision, it may in its discretion amend the same and may thereupon, on the application of the Civil servant, adjourn the enquiry for a reasonable time.

POWER TO
ADJOURN
THE PRO-
CEEDINGS

(2) The disciplinary authority if it thinks fit for reasons to be recorded, adjourn the enquiry from time to time:

Provided that when witnesses are in attendance no adjournment shall be granted without examining them, except for special reasons to be recorded in writing.

THE PRO-
CEEDINGS
OF THE
REPORT
OF DIS-
CIPLINARY
TRIBUNAL.

80. After the close of the enquiry, the disciplinary tribunal shall forthwith report to the Government or the disciplinary authority, as the case may be, the record of the proceedings and shall send with record thereof its finding upon each such of the articles of charge separately, with such observations, as it thinks fit on the whole case.

ORDERS
PASSED BY
GOVERNMENT
OR THE DIS-
CIPLINARY
AUTHORITY

81. (1) The Government or the disciplinary authority as the case may be, may, unless it decides on seeking any modification of the finding or findings in appeal impose any of the penalties stipulated in clauses (iii) to (x) of Sec: 41 on the basis of the finding or findings of the disciplinary tribunal:

Provided that where the disciplinary authority is considering the imposition of the penalty specified in clauses (iii) to (vi) of Sec. 41, it shall serve a notice on the accused Civil servant why on the basis of the findings of disciplinary tribunal of which a copy shall be supplied any of the said punishment shall not be imposed on him and that any representation or reply submitted by the accused Civil servant shall be taken into consideration in passing the order imposing the penalty.

Provided further that in every case in which it is necessary to consult the Union Public Service Commission, the record of the enquiry shall be forwarded by the Government or the disciplinary authority ordering the enquiry, as the case may be to the Commission for its advice in regard to the punishment and such advice taken into consideration before passing the orders imposing the penalty.

(2) Orders passed under sub-section (1) shall be communicated to the accused Civil servant who shall be supplied with a copy of the report of the disciplinary authority along with a copy of the advice, if any, given by the Commission.

CHAPTER VIII - Provisions concerning
inefficiency.

82. Where the Government or the appointing authority is of the opinion that a Civil servant should be compulsorily retired on grounds of general inefficiency either before he reaches the age of fifty or has put in twenty-five years of service an enquiry may be instituted in the same manner as is provided in this Act for a departmental enquiry; and on a finding of inefficiency he shall be liable to be so compulsorily retired.

CHAPTER IX - Appeal & Review.

83. Notwithstanding anything contrained in this Chapter, no appeal shall lie against -
ORDERS
AGAINST
WHICH NO
APPEAL LIES.

- (i) any order passed in appeal by the Administrative Tribunal;
- (ii) any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) any order passed by the disciplinary tribunal in the course of an inquiry under Sections 73 and 76.

84. Subject to the provisions of Sec.83 a Government servant may prefer an appeal against all or any of the following orders, namely:-
ORDERS
AGAINST
WHICH APPEAL
LIES.

- (i) an order of suspension made or deemed to have been made sections 62 & 63;
- (ii) an order imposing any of the penalties specified in sections 41 and 44 whether made by the disciplinary authority or by any appellate or reviewing authority:-
- 305 -
- (iii) an order enhancing any penalty, imposed under section 41;
- (iv) an order which -
 - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or

- (b) interprets to his disadvantage the provisions of any such rule or agreement;

(v) an order -

- (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;
- (b) reverting him while officiating in higher Service, grade or post to a lower Service, grade or post, otherwise than as a penalty;
- (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;
- (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- (e) determining his pay and allowances -
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time-scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his service, grade or post, or
- (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

- (vi) an order passed in appeal by an appellate authority other than the Appellate Tribunal under Section 85,

Explanation: In this rule -

- (i) the expression 'Government servant' includes a person who has ceased to be in Government service;
- (ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

85. (1) A Government servant, including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in clauses (i) to (v) of Sec. 84 to the authority specified in this behalf, either in the Schedule or by a general or special order of the President or, where no such authority is specified, - **FIRST APPEAL BY CIVIL SERVANT.**

- (i) where such Government servant is or was a member of a Central Civil Service, Class I or Class II or holder of a Central Civil post, Class I or Class II, -
 - (a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or
- 30 -
 - (b) to the Administrative Tribunal, where such order is made by any other authority;
- (ii) where such Government servant is or was a member of a Central Civil Service, Class III or Class IV or holder of a Central Civil post, Class III or Class IV, to the authority to which the authority making the order appealed against is immediately subordinate.

FINALITY OF
ORDERS IN
FIRST
APPEAL.

(2) Subject to sub-section (3), all orders passed in appeals preferred under sub-section (1) shall be final.

SECOND
APPEAL.

(3) A second appeal shall lie against an order passed by an appellate authority other than the Administrative Tribunal in an appeal preferred under sub-section (1) if such order imposes any of the punishments under clauses (iii) to (vii) of Sec. 41.

(4) A second appeal shall lie only on questions of law and of procedure, but may lie on questions of fact if the authority hearing the second appeal is of the opinion that grave injustice has resulted from the assessment of any questions of fact in the order appealed against.

(5) A second appeal shall be made to the Administrative Tribunal.

(6) Notwithstanding anything contained in sub-section (1),

(i) an appeal against an order in a common proceeding held under Section 58 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate;

(ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

LIMITA-
TION.

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86. (1) No appeal preferred under sub-section (1) of Section 85 shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

87. (1) Every person preferring an appeal shall do so separately and in his own name.

FORM A D
CONTENTS
OF APPEAL.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

88. (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Sections 62 and 65 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

CONSIDERATION
OF FIRST
APPEAL.

(2) In the case of an appeal against an order imposing any of the punishments specified in Sections 41 and 44, or enhancing any punishment imposed under the said sections, the appellate authority shall consider -

- (a) where the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or the failure of justice;

- (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
- (c) whether the punishment or the enhanced punishment imposed is adequate, inadequate or severe;

and pass orders -

- (i) confirming, enhancing, reducing or setting aside the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that -

- (i) the Commission shall be consulted in all cases where such consultation is necessary;
- (ii) if the enhanced penalty which the appellate authority proposes to impose is one of the punishments specified in sub-sections (iii) to (vii) of Sec. 41 and an inquiry under Sec. 43 has not already been held in the case, the appellate authority shall, subject to the provisions of Section 59 direct that such inquiry be held in accordance with the provisions of Section 43 and thereafter, on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity, as far as may be in accordance with Section 81, of making a representation against the punishment proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit;

- (iii) if the enhanced punishment which the appellate authority proposes to impose is one of the punishments specified in sub-sections (iii) to (vii) of Sec. 41 and an inquiry under Sec. 43 has already been held in the case, the appellate authority shall, after giving the appellate a reasonable opportunity, as far as may be in accordance with the provisions of Section 81, of making a representation against the punishment proposed on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit; and
- (iv) No order under sub-sections (1) and (2) shall be passed before giving the appellant an opportunity to be heard.

(3) In an appeal against any other order specified in Sec. 84, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

89. The appellate authority may, after giving an opportunity to the appellant to be heard pass such orders as it may deem just and equitable.

CONSIDERATION
OF SECOND
APPEAL.

90. (1) An appeal may be preferred by the appropriate disciplinary authority against any finding of a disciplinary tribunal in a departmental enquiry before the Administrative Tribunal.

APPEAL BY
DISCIPLINARY
AUTHORITY.

(2) The Administrative Tribunal may after hearing the disciplinary authority and the respondent Civil servant shall, after confirming or altering or setting aside the finding appealed against, pass orders imposing such punishment on the respondent Civil servant as it deems to be just and equitable:

ADMINISTRATIVE
TRIBUNAL TO
PASS ORDER
IMPOSING
PUNISHMENT.

Provided that the orders will issue
in the name of the President when the order appealed
against has been issued in the name of the President.

IMPLEMEN- 91. The authority which made the first order
TATION OF appealed against shall give effect to the orders
ORDERS IN passed by the appellate authority.
APPEAL.

CHAPTER X - Review

92. (1) Notwithstanding anything contained in these rules,

- (i) the President, or
- (ii) the Administrative Tribunal, or
- (iii) the Comptroller and Auditor General, in the case of a Government servant serving in the Indian Audit and Accounts Department, or
- (iv) the Railway Board,
- (v) the Posts and Telegraphs Board, in the case of a Government servant serving in or under the Posts and Telegraphs Board, or
- (vi) the head of a department directly under the Central Government in the case of a Government servant serving in a department or office, (not being the Secretariat or the Posts and Telegraphs Board), under the control of such head of a department, or
- (vii) the appellate authority, within six months of the date of the order proposed to be reviewed, or
- (viii) any other authority specified in this behalf by the President by a general special order, and within such time as may be prescribed in such general or special order;

may at any time, either on his or its own motion or otherwise call for the records of any inquiry and review any order made under this Act from which and appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary, and may -

- (a) confide ~~~~~ set aside the order; or

- (b) confirm, reduce, enhance or set aside the punishment imposed by the order, or impose any punishment where no punishment has been imposed, or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case, or
- (d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the punishment proposed and where it is proposed to impose any of the punishments specified in sub-sections (iii) to (vii) of Sec. 41 or to enhance the punishment imposed by the order sought to be reviewed to any of the punishments specified in those sub-sections, no such punishment shall be imposed except after an inquiry in the manner laid down in Section 43 and after giving a reasonable opportunity to the Government servant concerned of showing cause against the punishment proposed on the evidence adduced during the inquiry and except after consultation with the Commission where such consultation is necessary:

Provided further that no power of review shall be exercised by the Comptroller and Auditor General; the Railway Board; the Posts and Telegraphs Board or the head of department, as the case may be, unless -

- (i) the authority which made the order in appeal, or
- (ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for review shall be commenced until after:-

- (i) the expiry of the period of limitation for an appeal, or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for review shall be dealt with in the same manner as if it were an appeal under this Act.

CHAPTER XI - Miscellaneous.

SERVICE OF 93. Every order, notice and other process made
ORDERS, or issued under this Act shall be served in person
NOTICES on the Government servant concerned or communicated
ETC. to him by registered post.

POWER TO 94. Save as otherwise expressly provided in
RELAX this Act, the authority competent under these rules
TIME-LIMIT to make any order may, for good and sufficient
AND TO reasons or if sufficient cause is shown, extend
CONDONE the time specified in this Act for anything required
DELAY. to be done under this Act or condone any delay.

SUPPLY 95. Whenever the Commission is consulted as
OF COMMI- provided in these rules, a copy of the advice by
SSION'S the Commission and, where such advice has not been
ADVICE. accepted, also a brief statement of the reasons for
such non-acceptance, shall be furnished to the
Government servant concerned along with a copy of
the order passed in the case, by the authority
making the order.

EXPLANATORY NOTE

This draft bill consolidates several important rules and enactments so as to enable Government to govern the Civil services effectively and meet even emergent situations which hitherto have necessitated ordinances or special enactments. The intention is also to deal with certain criminal offences by Civil servants under the provision of this Act.

Main features:-

CHAPTER I

(1) "Disruption of work" gets a comprehensive definition. "Strike" gets a wider meaning as amounting to "disruption of work" especially by a body of men.

(2) All breaches are "offences" punishable either in a "departmental enquiry" or in a "trial" in a criminal court.

CHAPTER II

(1) All Civil servants "become subject" to the Act (Sec.3) but Government may apply Act selectively (Sec.3(2)).

(2) Government can declare what are "public utility services" under Sec. 4. Civil Servants in these are subject to more severe restrictions under this Act.

(3) Government takes power under section 5 to curb fundamental rights to the extent necessary (on the analogy of Sec. 21 of the Army Act, 1950). This requires amendment of Art. 33 of the Constitution.

(4) Jurisdiction of Civil Courts gets barred under Sec. 7.

CHAPTER III

(1) "Offences" are described in this chapter. These include not only those now to be found in "Conduct Rules", but also breaches which are punishable under the Indian Penal Code - wrongful restraint, mischief, misappropriation, nuisance, etc., - or under the laws regarding essential and public utility services, and laws regarding strikes, etc.

(2) Abetment by those who are not Civil servants becomes punishable under Sec. 34. (There is a similar provision in the Mysore State Civil Services - Prevention of Strikes - Act, 1966).

CHAPTER IV

Offences by Associations are described in this Chapter. (There is a similar provision in the Mysore State Civil Services - Prevention of Strikes - Act, 1966). There is a provision for collective fines for sabotage etc.

CHAPTER V

"Disciplinary bodies" are constituted under this Chapter. "Disciplinary Tribunals" are to be whole-time officers. This will put an end to the present practice of disciplinary authorities themselves holding the enquiries. The "judge" does not have to be the "prosecutor" also. Further, disciplinary authorities don't have to waste time in enquiries.

A member of a disciplinary tribunal must have eight years' experience as a Civil Judge or Magistrate - Sec.40(iii).

A member of a disciplinary tribunal can be invested with magisterial powers - Section 40(iii). This is a proposal to have a self-contained disciplinary system in the governance of the Civil Services.

Thus all proceedings - whether departmental enquiries or criminal trials can be held by disciplinary bodies under this Act.

CHAPTER VI

In Sec. 41 are described punishments awardable by Government or by disciplinary tribunals (including those in criminal trials).

In Sec. 44 are described punishments awardable by immediate superior officers in summary proceedings for such officers as insolent conduct, etc.

Under Sec. 47, a Civil servant in a public utility service is liable to more severe punishment.

Under Sec. 48, A civil Servant is liable to more severe punishment for a repeated offence.

CHAPTER VII

Under Sec.49 the "finding" of a disciplinary tribunal in a departmental enquiry shall be accepted by the disciplinary authority - this is a very important recommendation of ours.

For analogy, I may state that the judgment of a magistrate is equally binding. I may also state that under Art.103(2) and Art.102(2) the President and Governor respectively "shall" accept the finding of the Election Commission on the point of disqualification of an M.P. or M.L.A.

The disciplinary authority may appeal, but cannot himself over-rule the finding of a disciplinary tribunal.

The "initiating authority" has full discretion to order a departmental enquiry or a criminal trial in respect of an offence - Sec.50.

Under Sec. 54(A) decision under Sec. 50 will be deemed to be a decision under S.197 Criminal Procedure Code. (The draft of this Section may not be correct. But the intention is to give this effect).

Section 56: Presumption of guilt can be inferred in case of unexplained wealth of a Civil servant.

Under Sec.57 disciplinary authorities get powers to summon witnesses, compel production of documents, etc. - Also punish contempts and obstructions to proceedings as Civil Courts can do. This is an important recommendation.

Under Sec 62, no Civil servant can be suspended for more than six months for any departmental enquiry or tri

Under Sec. 65 a disciplinary authority may suspend a departmental enquiry and order instead a trial; and vice versa.

CHAPTER VI

ASPECTS OF MORALE AND ADMINISTRATIVE BEHAVIOUR

CHAPTER VI

ASPECTS OF MORALE AND ADMINISTRATIVE BEHAVIOUR

Preliminary Observations

MORALE
DEFINED

6.1.1. Morale may be defined as the capacity of a group of persons to pull together persistently and consistently in pursuit of a common purpose. It refers to the condition of the physical, mental and emotional health of the employees, to their active consciousness, and confidence in the purpose and the objectives of the organisation in which they are employed, and to their trust not only in each other but also in the administrative leadership. It is the strength of the desire of an employee to remain in his organisation.

6.1.2. Morale can be said to be essentially the mood or the state of mind of a body of men working in a collective set-up. This set-up may be of an army engaged in battle or of a nation in the midst of solving a problem or of a family marshalling its resources in its struggle for existence or, what we are here concerned with, of the civil services harnessed to the endless task of running the Government.

6.1.3. This mood is influenced by almost everything in and around the set-up. Thus, the nature and conditions of work, the conditions of living, the objectives, and the way of thinking and the behaviour of the individuals in the set-up, all have their effect on the mood of the workers. Our report deals with most of

these factors and we feel that the implementation of our recommendations will have the effect of raising the morale of the civil services. In this chapter we shall deal with some of the aspects of morale mainly concerned with the way of thinking and the behaviour of civil servants, in particular relating to :-

- (a) Relationships, political executive - minister - civil servant.
- (b) Civil Servants attitudes; inter-service or administrative behaviour pattern.
- (c) Conditions and procedure and place of work and tools of administration.

It is essential for morale that workers in a set-up regard their personal interests as coming only next in importance, to their work and to the fulfilment of the objectives of their set-up.

One cannot expect all the workers in a set-up to have this attitude at all times. Some will be carried away by the temptations of the moment or will come under the influence of extraneous interests. Some lose heart because the conditions of service do not satisfy them. Some are inherently unfit for the jobs they have got into and are unable to show results even with the best of their will and effort. Then there are some who react better than the others to a pat on the back for good work done. It is for the organisa-

sation of the set-up to deal with the endless variety of these situations. The organisation should, therefore, have built-in procedures for meeting the problems arising out of the various aberrations and idiosyncracies of the individual workers. The individual sustains the set-up in the same measure as the set-up sustains the individual. If, on the balance, the individuals put up a good show and record progress towards the fulfilment of the objectives, we can say that the morale of the set-up has been kept up.

6.1.4. Some occasions require very high morale. We witnessed such an occasion when Pakistan attacked us in 1965. The objective was no doubt a pressing one - it was one of sheer survival. Civilians, civil servants and the armed forces worked as one team regardless of personal comfort and safety. There was unbounded zeal and confidence. People worked and just did not even bother to think whether there will be gains or victories. A sense of fundamental duties overtook all considerations of rights including fundamental rights. We survived the ordeal.

6.1.5. But with the less pressing objectives, but not less important before us, namely, of national development and integration, we witness a condition of falling morale, and all its attendant losses. The individual's will to work is shattered even

in the face of threatening disaster and dissolution. Everyone thinks of rights and wants to exercise these rights against the nation itself. It is an uphill task for our leaders. Perhaps, we are still in a stage where with some measure of confidence we can think and say that while we are going five steps forward we are not going all those five steps backward. Perhaps, we are safe, but this is not altogether a comforting thought.

6.1.6. When morale is good, or we may even say, has just been kept up, the cohesion of the group (that is, the set-up) is strong enough to withstand lapses on the part of individuals in the group. This cohesion can come into being if the organisation has, as we have said above, the built-in procedures for dealing with the lapses firmly as well as with sympathy. Then again, procedures by themselves are not enough. The men who initiate them must be competent as leaders. Therefore, if the leadership is good the organisation can maintain its cohesion.

6.1.7. Here we are concerned with civil servants. They are engaged in an endless task. An army wins a battle and rests on its laurels. But there is no end to the work of the Government and it has to be carried on with a sense of anonymity. The problems of unity, integration and progress are

eternal, though today's situations may not be there tomorrow. Morale has to be sustained for all time. It is an eternal problem of the civil services. Civil servants may not have to work in a state of frenzy as when we as citizens did to meet the challenge of Pakistan in 1965. But the state of mind should always be such as to ensure proper and timely fulfilment of the objectives from time to time.

6.1.8. If the civil servant and his group have high morale, not even higher pay will attract them. High morale ignores poor working conditions. With low morale in a group, employees will complain about the best of working conditions.

6.1.9. Morale is not directly tied to productivity. A group may have high morale, being happy and contented, and yet produce little work or work of poor quality. Yet, morale is important as high morale makes for easier supervision, more responsiveness to new programmes, and a more attractive organisation when new recruits are sought. The problem is how to get high morale and high productivity at the same time.

6.1.10. Studies by social scientists show that morale and productivity are at their optimum when the work itself is perceived by employees to be stimulating, interesting, and worthwhile. Good supervision, good working conditions, good personnel regulations can produce adequate work and keep down poor work.

6.1.11. The problem is how best to make employees have that feeling that their work is stimulating, interesting, and worthwhile. Government is fortunate for its work is invariably worthwhile.

Government can make work interesting and stimulating by encouraging more participation by employees in the decisions that closely relate to their work. This is not proposing that the employees make decisions that managers ought to make themselves.

6.1.12. Supervisors and managers, then, need to be taught the principles that have been developed about motivation and leadership. They need to know how to study each individual in order to discover what are his needs and desires and how to apply these to getting the work done. They need to understand what makes groups behave as they do and how to get groups to set high standards of performance and how to maintain these high standards.

6.1.13. With good morale, interest, the work and high productivity, the managers can help keep this up by providing good working conditions - places in which employees are proud to work, offices that help employees to be efficient, desks and files that permit the work to be done accurately and swiftly.

6.1.14. One factor which complicates the question of morale amongst civil servants is that part of its leadership comes from outside its set-up.

It comes from politicians, i.e., ministers who control them and who lay down policies and party leaders who are entrusted with the duty of interpreting the minds of their respective constituencies or interests. The morale of the civil services thus gets linked up with the morale of the politicians who have the first turn at the steering wheels of Government. From this point of view it can be said that the morale of the politicians is also the morale of the civil services. The Gita sums up this situation in the following couplet :

Yad yad ācharati shreshthaha
Tat tadeva itaro janaha
Sa yat pramanam
kurute lokastad
anuvartate

"Whatever the leader practices that,
and that alone, will the other people do;
The standard which he (the leader)
sets, that the people follow".

6.1.15. We shall begin with an analysis of the effect, on the morale, of the lapses in standards on the part of the political executives.

RELATION-
SHIPS
WITH THE
MINISTER.

6.1.16. The morale of the services is conditioned by the nature of the relationship between the civil servants and Ministers. While the policies are laid down by the Ministers, it should be left to the civil servants to carry out the policy and implementation of the programmes. While the Minister is responsible for the work of the department as

a whole, he should not interfere in the day-to-day work or in the details of the administration. While the Minister can choose his top staff, an impression should not be created that a particular Minister has got a preference for a particular civil servant only for working with him. A top civil servant who has the particular specialisation, qualification and professional or general knowledge, should not be excluded from consideration for appointment as Secretary to Government. As the civil services should remain anonymous, it will not be in the interests of morale if the action of the top departmental personnel is criticised in public by the Minister. On the other hand, the Minister should defend the action done or service rendered in good faith by the civil servant both in the legislature and in public.

6.1.17. Instances are not lacking where the administration, especially Secretaries and other officials by name has been criticised by the elected representatives inside the legislatures and outside merely on the basis of incorrect or insufficient appraisal of the facts or on account of any other ulterior reasons. Such uninformed criticism tends to lower the morale of the administration. Attempt by legislators to malign or victimise Secretaries or other top ranking

CRITICISM
OF SERVICES
BY MEMBERS
OF LEGIS-
LATURES.

officers in respect of official actions taken by them in pursuance of policy decisions of Government should be strongly deprecated and discouraged. And such top officials should be given by the Ministers concerned due protection in the legislatures so as not to affect or hamper any way the morale of such civil servants. It is hoped that this point will be duly kept in mind at the time of enacting law by Parliament and by State legislatures defining powers and privileges of Houses and Members of Parliament and State Legislatures under Articles 105 (3) and 194 (3) of the Constitution. Questions asked in the legislatures may not be fair to an officer who acts in good faith in circumstances where honest errors of judgment are likely to be made (as in Plan implementations) by even the most careful, honest and competent persons. Under paragraph 143 (iii) of the Central Secretariat Manual of Office Procedure (1963) some screening is possible of questions which should be disallowed in the public interest. But this protection is extremely meagre. The free use of questions has had a very bad effect on morale of civil servants. They lose initiative; they then get disillusioned with parliamentary practices which are in themselves good as also most necessary. It should be possible for all the political parties to come together and lay down the extent upto which in the interest of civil servant's morale - and therefore,

in public interest - questions as well as answers can be regulated. In U.S.A. officers similarly placed can, we understand, claim a measure of 'privilege'. An error of judgment on the part of an American civil servant is not required to be justified. Protection by conferring 'privilege' may be necessary in our country, at least in regard to certain categorised questions and in regard especially to answers to supplementaries.

Recently, criticisms in Parliament and the State Legislature of certain civil servants by name have tended to reduce the morale, and to sap the initiative and the capacity for taking responsibility, of civil servants. This is not a healthy trend. If this trend is to be checked, it is suggested that a convention should be established by which individual civil servants and others who are not in a position to defend themselves should not be criticised by name, unless the Member is fully satisfied of the correctness of his facts and that the said reference is really in the public interest. Cases in which parliamentary privilege has been misused to make unwarranted attacks on individuals should be dealt with by the House itself. If necessary, the question of establishing conventions in this regard can be taken up by the presiding officers with the Leaders of the House and also of the Opposition.

What is discussed in Parliament is ipso facto for the public good so long as the discussion relates to matters not expunged by the Speaker from the proceedings. But it does not follow that publication of the matter in the Press or anywhere outside Parliament can ipso facto be also for the public good. For instance, discussions in Parliament over Army secrets will be for the public good, but the publication of the discussion outside may be highly dangerous to the public good.

An officer who is defamed without valid ground in a Parliamentary proceeding may not dispute the right of Parliament to discuss the matter, but can certainly sue or prosecute an outside publisher for publication of the proceedings, as such publication being prejudicial to morale of civil servants, is prejudicial to the public good.

MORALE AND
POLITICAL
EXECUTIVE 6.1.18. It is the legitimate duty of elected representatives to be in direct and constant touch with civil servants for the efficient discharge of their responsibilities. Healthy contact will be like oil to the administrative machine, while unhealthy contact will be like grit in that machine. The latter type of contact is a little too much in evidence. Responsible persons have expressed concern, at this growing feature. The latest to do so is the Central Vigilance Commissioner, Shri Nittoor Sreenivasa Rao, who in a public speech in December, 1966, said that it would be futile to expect that the evil of corruption could be

curbed unless Government set up a suitable machinery to deal with political graft.

6.1.19. Just as in the Lokpal scheme it has been recognised by the Administrative Reforms Commission that it is often difficult to decide where the role of the Minister ends and where that of the Secretary begins, so also in the case of, say, district administration, it will be difficult to decide where the role of the members of legislatures, etc. ends and where that of the civil servant begins. If, therefore, for the sake of discipline it is necessary to punish a civil servant yielding to undue influence, there should be a provision for meeting out speedy punishment to the erring elected representative or a member of the political body also.

6.1.20. The Lokpal scheme is apparently intended to apply only to Ministers and not other members of the legislatures. The Lokayukta scheme is intended to apply only to civil servants. What then should be the forum before which any erring members of the legislature could be hauled up? We discussed this subject with the Members of the Study Team for Administrative Tribunals at Calcutta in March 1967. Shri Debabrata Mookerjee, M.P., Member, Administrative Reforms Commission and Lt.Gen. Thorat, Chairman, Study Team on Recruitment, etc. were also present. The Study

Team on Administrative Tribunals felt that this subject did not come within their purview, as enquiries concerning members of legislatures would be in the nature of departmental enquiries, the enquiring bodies submitting their findings to the President or the Governor as the case may be for taking appropriate action. There was agreement, however, in regard to the suggestion of our Study Team that the existing powers of the Election Commission under the Constitution which enable it to hold enquiries now in a limited way into certain specified disqualifications of members of legislatures could be suitably enlarged so that it could hold enquiries into a wider range of overt actions on their part.

6.1.21. At present there is no provision for enquiry into the cases of use of undue influence or pressure by members of political bodies or legislatures or civil servants. The Election Commission can enquire only when a member of the legislature holds or acquires an 'office of profit', whether it be by collusion or otherwise. There is, of course, the Commission of Inquiry Act, 1952 under which a committee can be appointed for such enquiry, if the Government is of the opinion that the matter is definitely of public importance. But this provision is cumbersome - a commission has

to be appointed every time there is a case for enquiry. Further the appointment of such a commission depends entirely on the willingness of the government or the legislature concerned to do so. There is no mandatory provision for the appointment of such commissions, except in cases where a resolution to that effect is passed by Parliament or by the State legislature. There is the criticism that Government do not take action when it does not suit them.

6.1.22. There is, of course, the Indian Penal Code. Use of undue pressure or influence is an offence punishable under section 163 of that Code which reads as follows :

"163. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing by the exercise of personal influence any public servant to do or to forbear to do any official act, or in the exercise of the official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person or to render or attempt to render any service or dis-service to any person with the Central or any State Government or the Legislature of any State, or with any public servant as such, shall be punishable with simple imprisonment....."

A member of the Legislature as also a civil servant can be run in under Section 163 of the Indian Penal Code. But invoking the provisions of criminal law in their case, usually results, in a

long drawn process in view of the dilatoriness of the procedures of criminal courts applicable in the matter.

6.1.23. The only other check which exists now is in the provisions of disqualifications prescribed in the Constitution and in the Representation of the People Act, 1951. These provisions are extremely limited in scope in spite of the amendments approved by Parliament in the last session of 1966. Under Art.102(1)(a) and Art.191(1)(a) a Member of Parliament or Legislative Assembly holding an office of profit under a Government other than an office declared by Parliament or a State Legislature by law not to disqualify its holder, incurs a disqualification. Interest in a Government contract or work is a disqualification under section 9(A) of the Representation of the People Act, 1951, being a law enacted by Parliament Art.102(1)(e) and a good number of such contracts is exposed or vulnerable to influence of undue pressure.

6.1.24. We would now refer to the case of award of a contract for printing nationalised textbooks in which a Member of the Legislative Assembly in Madhya Pradesh (Shri Basant Kumar Mishra) was involved. A complaint was made by a citizen to the Governor of Madhya Pradesh under Art.192(1). The Governor referred the case to the Election Commission under Art.192(2). The Chief Election Commissioner held the enquiry himself at Nagpur. He submitted his opinion to the Governor

under Art.192(2). On 19th November, 1956 the Governor of Madhya Pradesh, accepting the opinion of the Chief Election Commissioner, ordered the removal of the erring Member of the Legislative Assembly. (It is mandatory under the Constitution for the Governor to accept the opinion of the Election Commission).

6.1.25. This unfortunately is the only case - as far as we know - of a legislator removed for misconduct. There had been a few similar attempts, but they had failed because the enquiring authority - the Election Commission - was not then vested with powers to summon witnesses and compel production of documents. In the case of Basant Kumar Mishra the Chief Election Commissioner observed as follows :

"Unfortunately the Commission has not been given any power by the law to enforce the attendance of witnesses or the production of documents. Changes in the administrative set-up and the problem of integration of States were pleaded as reasons for failure to produce the evidence in question; but these reasons hardly justify the inability of these two departments to produce the necessary materials before the Commission."

6.1.26. Years later - in 1965 - a similar case of office of profit came up before the Chief Election Commissioner. The allegations concerned Shri Biju Patnaik. The Chief Election Commissioner dismissed the complaint, observing that he could not summon any witness or get any documents and that, therefore, it

was not possible for him to act only on the allegation made in a complaint against Shri Patnaik.

6.1.27. Parliament vested the Election Commission with the necessary powers to summon witnesses, etc. in its September 1966 session. But even so, the scope of Articles 102(1)(a) and 191(1)(a) is extremely limited. If a Member of Parliament or a Member of Legislative Assembly gets a contract in the name of his wife or other near relations, such as, son, daughter or father, or in the name of his friends, he is not liable to any action under the above Articles. It should be remembered that Acts which govern Municipalities, District Councils and such other local self-governing bodies contain provisions from prior to 1947 under which members of these local bodies can be prosecuted in criminal courts they are found to be directly or indirectly concerned, or interested in contracts with their local bodies.

For instance, under section 16(1) of the Mysore Municipalities Act, 1964 -

"A person shall be disqualified for being chosen as and for being a Councillor . . .

(k) If, save as hereinafter provided, he has directly or indirectly by himself or his partner any share or interest in any work done by order of the municipal council, or in any contract of employment with or under, or by or on behalf of the municipal council."

Then, under section 16 (2)

"If any councillor during the term for which he has been elected or appointed (a) becomes subject to any disqualification specified in sub-section (1) . . . the Deputy Commissioner either suo-moto or on the report made to him and after such enquiry as he deems fit shall declare the seat of the person concerned to have become vacant."

Lastly, under section 78 of the same Act,

"Any councillor who knowingly acquires, directly or indirectly any share or interest in any contract or employment with, under by or on behalf of a municipal council. . . shall be punished with fine which may extend to five hundred rupees."

There is no reason why the Members of Legislatures, etc. should be less exposed to reprimands where they are deserved. If in recent years we have seen the growth of anti-corruption laws and the vigilance organisations to keep civil servants within bounds, there is no reason why the members of legislatures, especially, when they are the contributory factors, should not also be brought under a reasonable amount of surveillance. The Indian Penal Code makes no distinction between a member of legislature and a civil servant. Either of them can be prosecuted under section 163 of the Indian Penal Code or for that matter, for any other offence under that Code. But some provisions of legislation like the Prevention of Corruption Act, and the Vigilance

Organisation in recent years, seem to have been particularly directed against civil servants to the exclusion of members of legislative bodies, of political parties, etc. This position requires to be modified.

6.1.28. As has been stated already, action under the Indian Penal Code is dilatory and not ordinarily suitable. Some thing in the nature of a departmental enquiry is required. And such an arrangement can be brought into being by enlarging the present functions of the Election Commission. The Election Commission is already an enquiring tribunal, duly constituted as such under our Constitution. It has further been (recently) invested with powers normally exercised by Courts for summoning witnesses, etc. The Election Commission can now hold a full-fledged judicial enquiry into cases of 'offices of profit' whether secured by collusion with civil servants or otherwise. Further the Election Commission can set in motion Section 8-A of the Representation of the People Act, 1951, to get a Member of Parliament or a Member of Legislative Assembly disqualified if he is held guilty of corrupt practice under section 99 of the same Act. Then again the Election Commission can, for reasons to be recorded, remove any disqualification under Section 11-B of the Representation of the People Act, 1951.

6.1.29. When so much has already been done under the Constitution and under the Representation

of the People Act, 1951, to constitute the Election Commission as a forum for enquiry in regard to erring members of legislatures (though the range of errors which could now be gone into is very small), there could be no objection whatever to the extension of the functions and powers of the Commission in this same field. In fact, it would be a superfluity to suggest that a separate forum should be instituted for the disposal of complaints against members of legislatures.

6.1.30. The Election Commission is, therefore, the most appropriate forum for the disposal of such complaints. Members of legislatures are by now familiar with this role of the Commission. The enlargement of the functions and powers of the Election Commission can be achieved by making use of the provisions in Article 102(1)(e) and Article 191(1)(e) which specifically enable Parliament to enact fresh laws to bring misdeeds of the Members of Parliament and Members of Legislative Assembly not hitherto covered, within the definition of "disqualification" under those Articles.

6.1.31. We feel, therefore, that the Election Commission should thus be invested with powers to look into the overt actions of Members of Parliament and Members of Legislative Assembly (especially those in which civil servants get involved) by Parliament's action under Articles 102(1)(e)

and 191(1)(e) and by suitable (consequential) amendments to the Representation of the People Act, 1951. If this is not considered desirable, the only alternative would be to extend the Lokpal's powers so as to cover also legislators other than Ministers.

6.1.32. This lengthy discussion as aforesaid seems almost like an apologia for suggesting that the Election Commission should be the forum for enquiries against members of legislatures. But it is difficult to ignore the unbroken trend in the development of the functions of the Election Commission in this direction from the time of its institution. This trend has its origin in Articles 103 and 192 which empowers the Election Commission to inquire into disqualifications of elected representatives, and has been firmly set by the conferral in successive instalments of additional powers on the Election Commission. There appears to be no other way of meeting the mounting clamour from all sides for the development of healthy relations between elected representatives and civil servants.

6.1.33. This proposal of ours on the extension of the powers of the Election Commission would appear one-sided if we do not also refer to another trend - a recent trend - in the development of the functions of the Election Commission. A comparatively recent amendment of 1966 to the Representation of the People Act, 1951 has taken away the powers of

the Election Commission to appoint Election Tribunals for the disposal of election petitions and has given High Courts original jurisdiction to deal with them. This recent trend aims at confining the work of the Election Commission to conducting the elections prescribed by the Constitution.

6.1.34. If then it becomes the declared intention of Parliament to confine the functions of the Election Commission to holding elections prescribed by the Constitution, it would be necessary to transfer its functions under Articles 103 and 192 (and the corresponding provisions of the Representation of the People Act, 1951) to tribunals of equal status. High Courts cannot have these as these functions are limited to holding enquiries and submitting opinions to the President or the Governor as the case may be and not to passing final order to removal of the erring members of legislatures from the legislatures. The functions of the Election Commission under Article 103 and 192 cannot just be extinguished with no agency to take over those functions. It is too late even to think of such a gap being created in the present stage of the development of the various institutions in our democracy.

6.1.35. Our proposal to extend the functions of the Election Commission involves no amendment of the Constitution; it involves only enactment of laws by Parliament under Articles 102(1)(e) and 191(1)(e) to bring more overt acts of omission and commission within the orbit of 'disqualifications' of elected representatives.

6.1.36. This brings us to Articles 104 and 193 under which a legislator removed from the Parliament or the Legislature of a State becomes liable to pay a penalty of Rs.500/- for each day on which he sits or votes in the Parliament or the Legislature after "he knows that he is not qualified or that he is dis-qualified for membership thereof". This sum is to be recovered from the legislator in question "as a debt due to the Union/State". No rules appear to have been framed for prescribing the agency which can decree that a defined amount of debt is so due from the legislator in question to the State or to the Union. It appears to us that rules should now be framed to give these powers to the Election Commission (or to tribunals if any are appointed to take over the functions of the Election Commission under Articles 103 and 192). If the Election Commission can pass orders under various sections of the Representation of the People Act, 1951, disqualifying persons for long periods from becoming or continuing to be members of the

of the legislatures, he might as well have powers to impose penalties prescribed in Articles 104 and 193.

6.1.37. Finally, we come to the powers of the Election Commission under Section 11 of the Representation of the People Act, 1951 (as amended by the amending Act of 1966) which enable him to remove any disqualification under this chapter or reduce the period of any such disqualifications of sitting members ordered by the President or the Governor. It is not at all desirable that the Election Commission should have powers to condone disqualifications ordered by the President or the Governor. In this connection it appears pertinent to us to refer to the fact that Shri H.V. Kamath as M.P. had occasion last year to question these wide powers of the Election Commission both in the Parliament and outside. It appears to us that all powers of removal of disqualifications should be subject to the review of the High Court concerned.

6.1.38. In fairness to members of legislatures it must be stated that transgressions on their part are often due to their ignorance of the standards of good conduct and of procedures of Governmental administration. Many political thinkers who have voiced their concern at the

falling standards of administration have said that something should be done to improve the outlook and calibre of the elected representatives of political bodies. The extreme example of Japan where senior experienced men from the civil services are appointed (that is, nominated) as Deputy Ministers has been cited as one way of solving the problem in part. This cannot be a solution in India because a nominated Deputy Minister will be as good a unit in the administrative machinery as a competent civil servant working as a Secretary to the Ministry. It would in some way be helpful, if civil servants are permitted to contest for seats in the legislatures in the way they are in England and in many European countries. Elsewhere we have recommended this measure. But here we are concerned with the average legislator. He has to represent his constituency, which means that he has to know his constituency well and should be able to speak for it. This pre-requisite does not, of course, mean that the chosen representative must possess any set educational qualifications or that he should have a working knowledge of governmental administration. The responsibility of training the chosen representative is, however, of the parties to which they belong and not of the Government. One way of imparting this training is the laying down of a standard or code of Ethical Conduct. This

should be drafted with the help of the leaders of the political parties as also of eminent and informed jurists. It is possible to draft the code in sufficient detail for the guidance of the legislators in their dealings, including relations with civil servants. A legislator who studies the code would not, out of ignorance, plunge into unethical or embarrassing situations.

6.1.39. Our recommendations then are :

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ACTION
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- (1) The morale of the services being conditioned by the nature of the relationship between the civil servants and the Ministers, no room should be given to an impression that only a particular civil servant can get on with a particular Minister. While it is for the Minister to choose a top civil servant as his adviser, the choice should be guided only by the qualifications and the specialised experience and knowledge of such civil servants. A certain amount of anonymity among the civil services must be preserved.
- (2) The action done or service rendered in good faith by the civil servant should be defended against uninformed or unjustified criticism by the Minister, both in the Legislature and in public.
- (3) Top civil servants and others who are not in a position to defend themselves, should not be criticised by name in Parliament and the State Legislatures, as such criticism tends to affect adversely the morale and inhibit the initiative and the capacity for taking responsibility on the part of the civil servants.

Therefore, the question of evolving suitable conventions should be taken up by the Presiding Officers of the Legislatures with the leaders of the House and also of the Opposition.

- (4) In order to prevent undue influence being brought to bear on civil servants directly by the elected Members of the Legislatures and by the office-bearers of political parties, Governments should issue instructions how sound and healthy relationship between them and the civil servants should be maintained and how the official business the former may have with the latter should be conducted.
- (5) The parties to which the elected representatives belong should undertake the responsibility of orienting them as well as their office-bearers in their tasks and in the proceedings for dealing with Government. For this purpose, a standard or code of ethical conduct must be evolved by the leaders of the political parties in consultation with noted jurists and eminent members of the public.
- (6) The Election Commission should be empowered to enquire into the case of use of undue pressure or influence by members of legislatures on civil servants by enactment of suitable law by Parliament under Articles 102(1)(e) and 191(1)(e), so as to make members of legislatures liable to disqualification for such use of undue pressure or influence.
- (7) If Parliament's intention is to confine the functions of the Election Commission to holding election prescribed by the Constitution, all the functions of the Election Commission of enquiry under Articles 103 and 191 should be made over to a separate set of tribunals (may be the Lokpal) by a suitable amendment of these Articles.

- (8) Rules should be framed by Parliament under Articles 104 and 193 empowering the Election Commission (or by the successor tribunals) to examine the cases coming under those articles and to impose the penalties prescribed therein.
- (9) The powers for removing the disqualifications of members of Legislatures should be subject to the review of the High Court concerned. This may require amending of the Representation of the People Act, 1951.

6.2.1. The image of a civil servant in society and his relationship with the public have a profound influence on his morale. In pre-Independence days, the civil servant commanded a status and respect in society derived out of his authority and the power that he wielded. He was looked upon by the people as a representative of the ruling power and their respect was in many cases born out of fear of it. At the same time, it should be said to the credit of the system then that the methods of work adopted were such as to enable, to some extent, an understanding of the people with whom they had to deal. Now a civil servant should build up his image with the people by the service he renders and the manner in which he appreciates their problems and tries to solve them.

TOURS

6.2.2. We illustrate our point with reference to the system of touring adopted then and now.

Before cars became popular it was usual for executive officers to go on long tour and stay in tents in villages. This brought them in direct contact with village conditions and with the villagers. This personal contact was of great help to the officials in the discharge of their duties in the field. But with the increasing dependence on jeeps and other motor vehicles, touring with the tents has come to a dead stop for the great majority of the officials. Rules still prescribe that the touring

officials should put in a prescribed minimum number of halts at night in places outside his headquarters. But this rule is observed in an ineffective and mechanical manner. The tours are too often of the "hit and run" type. The official is inclined to rush back to his city home which he can easily do in the fast moving car. These tours do not give the official much time to spend with the people in the interior. Contacts with them thus become weak and superficial. The tours too are costly and the results achieved are not commensurate with the expense incurred. Supervision of the plan schemes suffers grievously. Plan schemes require a lot of enthusiasm to be roused in the villages. This the official is not able to do because he remains a mere acquaintance and seldom becomes a friend of the villagers. In contrast, one has to see the steadfastness and devotion to work of missionaries who live for months at a stretch among the villagers in the villages. The good work they do is not appreciated; on the contrary, the very men who are supposed to do likewise criticise the missionaries for the emphasis they put on conversions. If officials work in the same way as the missionaries do and so compete in a healthy manner with them, there would be a lot of good work done and no occasion

to complain about undesirable conversions.

Touring in tents has many attractions. The initial reactions of the official to this mode of touring are not encouraging. But it soon catches his fancy. He then gets far more time with the villagers and is able to be with them on the spot during the actual implementation stages of the various development plans.

6.2.3. In this connection it is worth recording another objectionable practice which has of late come to stay. Officers posted to dispensaries, veterinary dispensaries, schools, irrigation, works, etc. at places which are within about 20 miles from the city do not stay in the quarters provided for them in those places, but return daily to residences which they have established for themselves in the city. Many - not all - of them do so without any permission. We have actually checked up one place ten miles from Bangalore. None of the doctors posted to the dispensary during the last three years has cared to occupy the quarters in that place. On many days the doctor is absent and the entire work is handled by the compounder in charge! This practice is most objectionable. It not only breeds inefficiency, but also heightens the emotional barriers between the villagers and the educated classes.

It is urgently necessary, therefore, that in the interests of efficiency and for the

removal of the emotional barriers between the urban and rural populations tent touring is re-introduced and officials with duties in the rural areas are required to take up residence in those rural areas. Government should, of course, see that touring in tents is made reasonably comfortable. We look upon this as a major recommendation of ours.

- 6.2.4 Civil servants should try to build up their image with the people by their sincerity and earnestness with which they do the work allotted to them. For example, if civil servants are required to tour in the interior and halt some nights in the villages in connection with their work, they should do so in a real and effective manner; and for this purpose re-introduce touring in tents as an obligatory routine. If Government requires that doctors in charge of rural dispensaries, officials in charge of schools, irrigation projects etc., should stay in the villages instead of trying to rush back to their city dwellings.
- RECOMMENDATION FOR ACTION
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MORALE OF PERSONS WORKING IN HAZARDOUS AREAS OR OCCUPATION. 6.3.1. The morale of civil servants working in hazardous areas or occupations, such as a remote place in a project, an unhealthy locality, a risky area, where all minimum amenities for living may not be readily available, should be kept up by adoption of special methods. The common methods are grant of additional allowances, provision of special facilities for maintaining the families of the civil servants at a place other than their place of duty, restriction of the tenure of duty in the hazardous area to a minimum period, grant of choice of duty station after the completion of the tenure in the hazardous area, etc. These should continue and Government should also consider the question of giving civil servants working in these areas special concessions such as additional leave, a higher quantum of pension in respect of the service for this period, etc.

RECOMMEN- 6.3.2. We recommend that special concessions
DATION FOR should be given to those working in
ACTION specially hazardous areas or occu-
(24) pations such as grant of additional
leave, greater pensionary benefits, etc.

6.4.1. A frequent grievance of civil servants is that they sometimes get orders on the telephone, from the higher authorities and that in the absence of confirmation of the phone messages in writing they are afraid to carry out the orders. Officers must be protected when they act upon such orders. We are told there have been cases where officers acting on such orders have had to face extreme embarrassment when the higher authority has forgotten that orders on phone were sent or communicated for action. A business rule must strictly lay down, therefore, that orders received on the phone must be reduced to the form of a written precis and should be signed or initiated in approval by the higher authority within 24 hours of the phone call plus the time taken for transit of the papers to and from. If it is not possible to have this done immediately the order should be recorded on the file, a copy should be sent to the higher authority and its approval obtained on file at the first available opportunity.

ORAL ORDERS
TO BE CONFIRMED

6.4.2. We therefore recommend that a rule should be laid down that orders given orally or given on the telephone must, as soon thereafter as possible, be reduced to writing and should be got confirmed by the authority giving such orders.

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INTER AND
INTRA-SER-
VICE ADMINIS-
TRATIVE
BEHAVIOUR
AND MORALE

6.5.1 What will hold good in establishing a healthy relationship between the political executive and the top civil servants is equally valid in regard to the relationship that should be established between the supervisory staff and the operative staff. Many a time, it happens that the administration becomes too heavy and the employees at the lowest level do not receive that attention, nor do they acquire that strength of morale necessary for the health of an organisation and for the administration in general. After all administration is nothing but the art of 'getting things done'. In practical terms, it involves both 'deciding' and 'doing', and until and unless the supervisory staff is in a position to put the operating staff in a pattern of coordinated and effective behaviour, we cannot assume that an organisation is highly successful. The image of bureaucracy is not only the image of efficient administration but also the reflection of the state of morale of the employees of that organisation. It has been said that " 'good' administration is a kind of behaviour that is realistically adapted to its ends, just as 'good' business is economic behaviour accurately calculated to realise gain." It is important that both the top and the subordinate civil servants equally know what those ends are and share the

same sense of identification with the objectives of the Government, for which they are working. If an organisation has high state of morale, its employees do show loyalties not only to the objective of the organisation but they also develop, in due course of time, a different loyalty - a loyalty to the organisation itself and thus evince an interest in its survival and growth.

During the last few years certain developments in the public service are noticeable where in a silent sense of dissatisfaction runs from the top to the bottom. A sense of dedication or a sense to do things beyond the natural call of duty, beyond clamour of salary or status, is considerably on the decline. An average employee works because he feels that he has already cast his lot, once for all, with the Government as an employer. He waits for an escape, searches another employer, but has little chance of finding alternative employment and so he just hangs on. He tries to draw satisfaction from the paltry fringe benefits that he may get, and he lingers on in the civil service in a vague hope that one day he may rise to the higher position. Yet as time passes, an average employee notices that he is working for a system where good performance is not being measured, good actions are not being rewarded and where wrong.

doers are not being punished and are not being prevented from their upward movement. At this stage, he loses faith in the organisation, and loses interest in his work. This then is the state of morale in which many individuals are working. They work because of fear of losing their job; because they are afraid they may get a bad confidential report and because they have a family to support. We feel that Government as an employer has not sufficiently developed the tools and techniques of personnel management. We have elsewhere referred to the promotion blockages and salary imbalances, and to the lack of incentives.

It may, perhaps, also be necessary to point out certain other factors here. The first relates to the cultural aspect of the administration both within and outside the organisation. The cultural and social ethics of people influences their administrative morals, habits and behaviour pattern inside the Ministries and departments. Government as a national organisation should develop an administrative atmosphere where social inhibitions and social distances should in the society do not get repeated within the Government. Indian administration, and in particular, the Indian personnel administration has been time and again accused of having evolved itself on the lines of the caste system in India with its high and

low overtones and of consciously preserving them as well. Our duty is really necessary to make Government a fit instrument of achieving the goals of welfare and of bringing about a socialistic pattern of society.

Administrative behaviour governed by specific organised practices should be based on rationality. Even though the decision making process in the Government is basically a group activity, the internal working in our agencies does not reveal that cooperative behaviour pattern. The hierarchies still work on feudalistic and authoritarian lines. We still seem to rely a great deal on human docility. Docility is, of course, quite as characteristic of the behaviour of higher animals as it is of human behaviour, but nonetheless in a developing administration, use of experimental methods, a little administrative daring without a haunting fear of possible criticism by the higher officers or by the Public Accounts Committee or by the legislatures could achieve wonders.

Our decision-making process reveals but little use of such administrative tools in which we may rely on a perfect information system and make use of the modern skills and expert advice. The generalist tradition seems to keep down the morale of such officials who try to acquire

knowledge on the one hand and would like to take risks by taking more daring decisions, on the other. Better administrative modes of communication, reliance on actual knowledge rather than on precedents, can serve us better for arriving at correct decisions of far-reaching implications.

6.5.2. Nothing builds up and sustains morale as fellowship does. It is not enough if people working in a set-up know each other by their skills and faculties. Such knowledge is, of course, valuable as it helps them to develop the 'team spirit' and so to make effective use of their capabilities collectively. But there are spheres in which emotional factors are dominant. Civil services constitute such a sphere. If the emotional factors operate against the individual, his skills and faculties get inhibited and may not come into play in full measure.

Personnel management in civil service bristles with emotional problems. But unfortunately this aspect of management has not received enough attention. To give one example, present methods of recording annual assessment reports do not inspire confidence. Everywhere the demand is for preferring seniority to merit. A newspaper report recently said that the Kerala Government have issued a circular that promotions should henceforth be only by seniority, although the Kerala Administrative Reforms Committee (Chairman - Mr. M.K. Vellodi) very recently

asked for greater recognition of merit in promotions. We have recommended an elaborate method of assessment of a civil servant's work and we feel that this method will help spotting out merit in an impartial manner. Then again, our recommendations in regard to the structure of the services and the pay scales are aimed at removing or reducing the intensity of the existing emotional barriers.

But a great deal still depends on how civil services fraternise among themselves and how they build up inter-service and intra-service fellowship. Something more than 'team spirit' is needed. Team spirit serves the purpose in limited situations as when some players are selected at random to form a soccer or cricket team for a match; the players selected need just a few days' practice to know each other's skills. They are then ready to play the match. After the match is over they are ready to part company without being required to know each other as friends.

Members of the civil services should therefore know each other not merely by their respective capabilities, but also as human beings, each with his own problems and susceptibilities. Perhaps the French phrase 'esprit de corps' sums up what we mean here. Webster defines 'esprit de corps' as 'the common spirit pervading the members

of a body or association of persons. It implies sympathy, enthusiasm, devotion and jealous regard for the honour of the body as a whole'. One cannot say that there is today enough of esprit de corps in evidence in our civil services. Our Defence Forces stand out creditably in this respect; the traditions which nursed this spirit in the Defence Forces are still respected. But many similar traditions in the civil services have disappeared and no new noticeable trends have taken their place. Fostering of esprit de corps is a big job, but it has now to be attempted. Discipline should come not by enforcement alone but also by 'sympathy, enthusiasm, devotion and jealous regard for the honour' of the civil services as a whole.

Perhaps it is not out of place to refer to some of the old practices which are dying, if not dead, if only to present the contrast between then and now. It was a practice for new arrivals in a station to call within a week of arrival on brother-officers already in the station. The calls were to be both official and social. Within a fortnight of a social call, the officer called on was expected to return the call and, if possible, fix up a tea or similar social occasion for meeting the new arrival. Personal contacts established in this inexpensive manner so soon

after arrival helped the officials to feel a sense of belonging to the services. Unfortunately, this practice is very much at a discount. In the absence of personal contacts, each official fears another official as an unknown quantity and is often led away by stories current as gossip about the latter. In the office too, each official, unable to size up his colleagues, feels that he should be over-cautious in his work, lest he may be led into a trap. The officials thus tend to work in an atmosphere of excessive caution, if not of suspicion. This inhibition has a telling effect on the efficiency of the civil servants.

Another practice which has faded away is the one which required the Deputy Commissioner of the district to receive a newly appointed Assistant Commissioner trainee as a guest in his house. This enabled the two to understand each other as men first. The Deputy Commissioner introduced the trainee to his work, starting the latter with the humblest of jobs, such as, for instance, that of a patwari (i.e., Shanbhog or village land records clerk) and in spite of his preoccupations give a lot of personal attention. The trainee had later to stay as guest with his Commissioner and learn things first hand as the Commissioner worked in his office and on his tours.

This practice of having the new man as a guest in the house during the initiation into work was very jealously observed. The trainee got excellent training. What was more it had excellent psychological effect and laid a firm and sure foundation for his being absorbed in the collective set-up of the service.

The situation now prevailing is most deplorable by contrast. The trainees are left to drift on their own. Cost of living no doubt prevents hospitality on the old scale. But surely the system could have been continued without the lavish hospitality.

We have questioned many junior officers in Delhi and we find that social ~~or~~ even friendly contact between fellow officers is not at all what it should have been.

In the Defence Forces the officers make it a point of knowing the men under them. They are aware of the personal and family problems of the soldiers under them. They fraternise with them so as to give rise to a genuine feeling of fellowship, and yet do not allow any familiarity which breeds indiscipline.

Similar practices should exist in the civil services. The beginnings are difficult because it is not easy for practices to take root firmly. A lot of

persuasion and even gentle pressure may be necessary in the beginning.

6.5.3. In order to ensure the active participation of the employees in the objectives of the organisation, staff suggestion committees should be constituted in each office under the chairmanship of the head of the office, and periodical - say, monthly - meetings of the staff committee held to discuss the day-to-day problems and to consider suggestions from the employees. The employees should be invited to give their free and frank opinion, without fear of inviting criticism or reprisal or ridicule. The suggestions of the employees should be carefully considered and if they are accepted, the concerned employee should suitably be informed of the fact. We may refer to the practice of associating the employees in management function in foreign countries. We have referred to an executive order current in the Federal Administration in the U.S.A.. The U.S. Government executive order stipulates the right of the employee organisation to participation in the management, subject to the condition that participating in the management of or acting as the representative of an employee organisation will not be permitted if such activity

STAFF
SUGGESTION
COMMITTEES

would result in a conflict of interest or otherwise incompatible with law or with the official duties of an employee. The term 'conflict of interest' is applied to include persons who make or recommend management policies or who direct, control or supervise operations or personnel, and those associated with or assisting in such direction or control; for example :

- (1) employees who have responsibility for directing and controlling the programme operations of the Department;
- (2) those supervisors who have significant managerial responsibilities;
- (3) employees serving in support of activities whose principal duties involve advising or assisting on programme administration and/or manpower utilisation in other than a clerical capacity;
- (4) employees directly engaged in personnel work in other than a clerical capacity;
- (5) employees whose assigned duties require that they represent the interest of the Department at any level in any manner in consultation or negotiation with representatives of any employee organisations.

It is recommended that we should adopt similar practices in our administrative set-up.

DELEGATION
OF POWER

6.5.4. In order to ensure that the leadership of the Head of the Office is maintained and greater co-operation of the staff working under him is enlisted, there should be adequate delegation of authority to the Head of the Office and

other subordinate authorities, so that most of the problems of the day-to-day administration of the organisation, and also the individual problems of the employees are tackled at the respective levels. Within the delegated field, any interference from the higher levels should be avoided. When authority is delegated to a lower level, it is assumed that proper exercise of the delegated authority is and can be made by the lower authority. A civil servant should be encouraged to make full use of powers delegated to him. He should, if necessary, be told that persistent failure to use delegated powers would be regarded as a sign of inefficiency and therefore liable to be entered as such in his assessment (confidential) report. Every office must have a detailed chart of delegations of powers and every civil servant involved must be supplied with a copy of the same. At the same time, this confidence placed in the lower authority should not be abused because of pressures. A control system should be set up for asking for information about the use of the delegated powers and for giving guidance, where necessary; such guidance being given only after mutual consultations.

COMMUNI-
CATION.

6.5.5. The effectiveness of the internal communications, both formal and informal, in a large organisation plays a great part in the field of morale. There should be clear and comprehensive instructions on the work to be done at various levels. The objectives should be explained clearly to the employees. Similarly, information regarding the difficulties, the achievement and the progress should travel up in the shortest time possible. In this way, a feeling of partnership in administration can be fostered among all those working in an office. An easy and free channel of communication both up and down should be established to remove rumours, partisan propaganda, suspicion and distrust among the organisation as a whole. Matters concerning these items should be discussed in the periodical meetings referred to in para 6.5.3. above.

RECOMMENDA-
TIONS FOR
ACTION.
(26)

6.5.6. We recommend as follows :

- (1) Good inter and intra-service relationship should be fostered among the civil servants to build up morale. This should be done by re-arranging the system of working which will deliberately eschew the undesirable social and cultural practices tending to produce divisions and emotional barriers among civil servants along status lines, and which will lay emphasis on better administrative modes of communication, acquisition and use of professional skills and expert knowledge and healthy cooperative endeavour on the part of the civil servants.

- (2) Such practices and procedures both within and outside the office should be adopted as will enable a better understanding of each other as human beings and foster a spirit of fellowship among the civil servants.
- (3) In order to secure the active participation of the employees in the objectives of the organisation, staff suggestion committee should be set up in each office under the chairmanship of the Head of Office and periodical meetings of the staff committee should be held to discuss many of the day-to-day problems and to consider the suggestions from the employees in this connection. The participation of the employees in the management functions should be extended to areas where there will be no complicity interest, or incompatibility with the law or the official duties of the employees.
- (4) In order to ensure that the leadership of the Head of Office is maintained and greater cooperation of the staff working under him is ensured, there should be adequate delegation of authority to the Head of the Office and other authorities down the line, so that most of the problems of the organisation and also the individual problems of the employees in regard to their service rights are tackled properly at the respective levels.
- (5) Clear and comprehensive instructions on the work to be done at the various levels should be laid down and explained clearly to the employees. Similarly, the channel of communication, both up and down the line, should be made smooth, so that rumours, undesirable propaganda, etc. in the organisation are eliminated to the maximum extent possible.

TEMPORARY
APPOINT-
MENTS.

6.6.1. Insecurity of tenure causes uncertainty in the minds of the employees about their future and they are not able to put their heart and mind in the job if they are continuously on the look-out for jobs elsewhere. At present a sizeable percentage of employees is temporary. With the increasing governmental activity in a welfare state, new organisations are created and existing departments expanded and several appointments have inevitably to be on a temporary basis at the start for retaining flexibility in administration. Although statutory rules exist that an employee who has put in three years of continuous service should be treated as quasi-permanent, considerable delays take place in giving quasi-permanent status. We feel that no employee should be treated as temporary for more than five years. A person other than on a personal contract basis who has completed five years as a temporary civil servant must be made permanent. Confirmation in vacancies should take place as and when vacancies arise. Accumulation or carrying forward of vacancies leads to dissatisfaction among employees.

PREMATURE
RETIREMENT

6.6.2. Under the present rules if a member of the All India Service or Class I Service wants to quit Government service before reaching the date of optional or compulsory retirement, he may have to resign from

the service and forgo all claims to any benefit of pension or gratuity. We consider that a Government servant should be given the right to retire from service on proportionate pension and gratuity at an earlier stage of his career. At this stage an officer is in his early forties with family responsibilities (e.g. children's education) at their largest. He is also at a stage when as a responsible officer he comes into direct contact with top executives (political as well as service executives). He is then in a vulnerable position and is less able to stand up to pressures, and, therefore, to act independently. He will have a freer conscience if he feels that he can quit an environment where he is likely to feel cornered and he can have this if he knows that he can retire on whatever he can get as proportionate pension. In the U.S.A., an officer is eligible to retire after a service of only five years; but while he is free to take up another job he can get his pension - a proportionate pension - only on attaining the age of 62. Further such an officer can also rejoin Government. We do not suggest the grant of facilities to this extent.

We, therefore, suggest that a provision should be made in the rules that a member of an All-India Service or Class I service may at his option (on a month's notice) request to be retired on proportionate pension and gratuity at any stage in his career if he has put in a minimum of 18 years of service. We have made this suggestion after taking into account the recent proposal to amend the rules providing for retirement after 25 years of service or at the age of 50 years.

6.6.3. We consider that there should not be too frequent changes in the age of compulsory retirement, as such changes create a state of suspense in the minds of the employees about their future and shake their confidence in the fairness of Government procedures. In many States there has been a tendency to bring down the age of compulsory retirement from the present limit of 58. In view of the general improvement in the standards of living and the health of the people, the average expectation of life as also the average span of active life of the individual has now considerably increased. We feel, therefore, that the age of compulsory retirement should be increased instead of reduced from its present ceiling. We recommend that a high-powered committee including the Cabinet Secretary and the Home Secretary at the Centre or the Chief Secretary

and the Home Secretary in the States should review this question of fixation of age of compulsory retirement and evolve a uniform policy.

6.6.4. One of the recommendations of the Santhanam Committee on the Prevention of Corruption is that Government should have the power compulsorily to retire, without giving any reason and without any liability for special pension, a Government servant who has completed 25 years of qualifying service or has attained the age of 50.

RETIREMENT
AT 50 OR
AFTER 25
YEARS'
SERVICE.

The Supreme Court upheld the constitutional validity of a provision in the Mysore Civil Service Rules, 1958, similar to that recommended by the Santhanam Committee as aforesaid in the case of Shiv Charan Singh Vs. State of Mysore (AIR 1965 S.C. 280). The Supreme Court held in that case that having fixed the proper age of superannuation a rule permitting compulsory retirement at an earlier age would not be valid, but that compulsory retirement after 25 years of qualifying service or after the Government servants' attaining the age of 50 does not contravene the provisions of Article 311 (2) of the Constitution. In the case of State of Bombay Vs. Deshi (A.1957, S.C.892(1958) S.C.R.571) also the Supreme Court

held that compulsory retirement of an officer who has completed 25 years of service (but before superannuation) under the relevant article of the Civil Service Regulations (Article 465-A) would not attract Article 311 (2) of the Constitution, even though, it is, in fact, ordered on the ground of misconduct, inefficiency, etc., because such compulsory retirement is in accord with a prescribed condition of service and does not involve loss of benefits earned by service already rendered. The Supreme Court further observed that even if an enquiry was made into the charges against the civil servant, such enquiry would be only for the satisfaction of authority ordering the compulsory retirement and so would not attract the operation of Article 311 (2) of the Constitution.

The Central Government has proposed to issue rules providing for compulsory retirement of a Government servant after 25 years' service or on attainment of the age of 50, whichever is earlier and giving the Government servant the right to so retire by giving three months' notice, subject to the condition that in the case of late entry into service at the age of 35 or above, the right of the Government as also of the

Government servant shall be exerciseable after the Government servant has attained the age of 55 or has completed 25 years' service, whichever is earlier.

The presumption in the case of such retirements is that it is not in the interest of Government to retain the officers any longer in service. Associations of civil servants have voiced the apprehension that the new rules may be used even in cases of officers who can usefully serve Government and by whose compulsory retirement Government's interests may suffer.

We consider that the new rules are appropriate and are necessary. They are in fact analogous to the provisions under Article 465 (A) of the Civil Service Regulations and similar other provisions in the States. To meet the apprehension regarding misuse it is necessary that periodically, say, every quarter or half year, the Head of the Department or the Agency which deals with personnel administration takes up for consideration the cases of civil servants who have actually completed the period of

service prescribed under these new rules and finalises in consultation with a special committee constituted for this purpose the list of those who have to be served with three months' notice of compulsory retirement, giving them of course, the option to retire on their own by giving three months' notice to Government. In the cases of those who will be included in this list on account of suspicion of corruption or doubt about their integrity the views of the Head of the Vigilance Department may also be taken. The special committee may consist of the Cabinet Secretary, the Home Secretary and the concerned Secretary at the Centre, the Chief Secretary, the Home Secretary and the concerned Secretary at the States for higher officials. Similarly suitable high-powered committees shall be set up for other categories of officials.

RECOMMENDATIONS FOR ACTION
(27)

6.6.5. We recommend as follows :

- (1) In order to remove the sense of insecurity among temporary employees, all such employees who have put in continuous service of five years under Government should ipso facto be deemed permanent.

- (2) In order to infuse confidence in themselves and ensuring the independence of their judgment among the higher civil servants, they should be given the right to retire from service on proportionate pension and gratuity any time after completion of 18 years of service.
- (3) Frequent changes in the age of superannuation create suspense and sense of insecurity. There should be uniformity in the age of superannuation. It should rather be increased than lowered in view of the improving trend in the standards of health and in the average span of active life of the people in general.
- (4) In order to inspire confidence in the fairness of the methods adopted for retiring civil servants for reasons of their unsuitability or inefficiency, etc. at the age of 50 or after the completion of 25 years, the list of such persons should be drawn up by a high-powered committee. For Class I civil servants, the committee may consist of the Cabinet Secretary, the concerned Secretary and the Home Secretary at the Centre, and the Chief Secretary, the Head of the Department and the concerned Secretary, in the States. Similar committees should also be formed for staff at the lower levels.

TRANSFERS 6.7.1 Transfer is used as a management device for achieving several purposes, some of them being:

- (1) imparting versatility in experience to Government servants;
- (2) utilising in some cases their specialised knowledge and experience of problems of particular areas and fields;
- (3) bringing about a freshness in their outlook and approach to their tasks by change of the surroundings; and
- (4) shifting persons from jobs for which they may not have aptitude to those for which they may be suitable.

Besides the above, the periodical transfers of certain categories of Government servants are made lest they may entrench themselves in particular areas or jobs or develop personal relationships, cultivate undue contacts or characteristics which may affect adversely their impartial functioning or may not be conducive to the public good. Such cases are especially to be met with in the Police, Revenue and Judicial departments. These transfers should continue to be made.

6.7.2 Transfer creates several problems. In the first place, it dislocates Government work initially because the new incumbent takes some time to settle down to his new job. Secondly, in these days of housing shortage and difficulties in the way of education of the

children on account of different curricula and different media of instructions, the Government servants are in many cases put to a lot of hardship in finding accommodation, getting their children admitted to proper schools, etc. The periodical routine transfers cost Government quite a sizeable amount by way of travelling and other allowances. To this, should be added the administrative costs on managing these transfers by way of establishment charges, etc. In order to minimize the difficulties caused by transfers in educating their children the Central Government has established Central schools with common syllabus for each class and uniform media of instructions for the wards of Central Government employees. The Government is put to considerable expenditure on the running of these schools. Besides the Government also reimburses a certain portion of the School fees and the cost of the text-books and the hostel charges of the children of the Central Government employees in receipt of the salary upto a certain level.

6.7.3 Transfer should not be regarded as a possible way of punishing civil servants for

lapses on their part. This has only the effect of shifting a bad element from one place to another or from the control of one supervisor to that of another. This may have no corrective effect, but on the contrary the person transferred may persist in his old ways and perhaps may deteriorate further in his attitude to work. In fact it is recognised that a transfer is not a punishment as it does not find mention as such in any rule or set of rules of discipline concerning civil servants. Being wholly an administrative act, there can be no appeal against a transfer. A representation should, of course, be permissible and is there, so that an order of transfer may be cancelled or modified on the ground of a family circumstance of the civil servant or any other adequate reason.

While administrative requirements are supreme, it is necessary to ensure that such requirements take into account the personal circumstances of the transferee. By and large transfers are ordered on these lines. There may be some hard cases, but if supervising officials exercise due care, there should not be scope for such cases.

One disturbing feature, however, is that politicians exert pressure on the

administration to get a civil servant who does not oblige them, transferred to another place. Transfers so ordered harm the administration and weaken the morale of the civil servants as a whole. Such interference by politicians should be severely discouraged. We have already dealt with this problem.

6.7.4 Our promotion policies are often responsible for transfers which cause harm to the administration. An official well placed in a job, he is fit for, gets transferred to another job ill-suited to him just because he is the next man on the promotion list for the same. There are unfortunately many such cases. There is thus the case of an officer in a State who was in-charge of a Dairy Project. He was sent abroad for training in the milk industry. But before he could utilise his knowledge in the milk project, he was transferred to a mining project because he was due for a lift. We have recommended in paragraph 4.1.21 that experts should not be taken away from their line but should be compensated by being appointed on special pay scales of 25 years span - enough to cover a whole career in which salary jumps are provided to enable experts

to keep pace with promotions of civil servants in other departments. Then there is also the "next-below" rule which can be applied so as to give the benefit of the promotion scale to an expert who could have left his line for another job on promotion if transferred. This rule is rather too easily capable of being misused (in fact such misuse was alleged by many civil servants in the Maharashtra State). Strict vigilance by the Chief Secretary or by the Central Personnel Agency is necessary on all cases of the "next-below" rule promotions. It is worthwhile prescribing an annual return by the Chief Secretary or by the Central Personnel Agency on all such cases, so that an annual review becomes an obligatory ritual.

State managed projects (e.g. dams, canals, hydels) - particularly plan projects with targets fixed or based on capital outlays involving heavy interest commitments - should have a fixed staff from their commencement to their completion. No officer should be transferred from the project to any place outside except under most pressing conditions. Men at the top who are responsible for the proper implementation of such projects should never be changed except for sheer incompetence. If they are due for promotion, they should be given an allowance

or compensated under the "next-below" rule. This will ensure proper implementation of the project. The officers too work with a sense of responsibility because they know then that they can be held responsible for any mishaps in the functioning of the projects later.

Such projects should be given the temporary status of companies under the Companies Act, or statutory corporations. Public sector undertakings like the Hindustan Machine Tools are not subject to Governmental ramifications and can function with a healthy feeling of autonomy. An officer from Hindustan Machine Tools cannot be transferred because of whim, to say, Heavy Electricals Ltd! But a hydel engineer in Chambal can get transferred to another power project under implementation.

A corporate status under the Companies Act gives the right degree of autonomy and freedom from financial and other governmental procedures. It is necessary therefore that all important or major plan schemes and development projects - especially those with tight target dates fixed or those involving heavy interest or other foreign exchange commitments should be implemented under organisa-

tions with corporate status under the Companies Act. After implementation and after the take-over of the functioning project, the corporate body set up during the implementation stage could and should be wound up.

The same procedure may be followed even in respect of non-profit making national projects, wherever speedy, effective implementation is necessary and wherever it is essential that one team of workers is in charge from the commencement of a project to its completion. This procedure will not involve any amendment of the Companies Act. If, say, there is a Water Supply Scheme for the Bangalore Municipal Corporation, the implementation stage could be the whole responsibility of a public sector corporation styled "the Bangalore Water Supply Project Implementation Ltd." and this Corporation could hand over the project to the Bangalore Municipal Corporation in a satisfactorily working condition, after which the corporation could be wound up under the provisions of the Companies Act.

6.7.5 Where jobs depend excessively on intuition and initiative - such as research appointments in the National Laboratories - it is best to have research workers on contracts for three to five years, renewable

at the option of Government for similar fresh contract periods. A research worker is, in a sense, comparable to an athlete or a tennis player. They all fade off at the age of 30. Just as the muscles of the athlete or tennis player lose their nimbleness, so do the research worker's intuitive faculties (as distinguished from his intelligence and grasp). It should be possible therefore to build into the schemes for employment of research workers suitable jobs on transfer to educational (or similar) departments where they can continue to work as career civil servants.

6.7.6 Officials drawing salary below a certain level, say, Rs.350.00 p.m., and especially those who have large family commitments should not as far as possible be transferred from one station to another. If exigencies of service demand their transfer, they may be transferred from one office to another in the same station or in a nearby satellite town or they may be given change of duties in the same office where this is possible so that they may not be put to unnecessary hardship for securing accommodation, getting their wards admitted to educational institutions etc., in a different place. The

facilities now available such as schools with common syllabi, same media of instructions, reimbursements of a part of the school fees, hostel charges etc. should be continued and expanded so that in case of inevitable transfers of employees the education of their children is not interrupted or does not get dislocated. Such a policy will also help keep down the cost on account of avoidable transfers.

RECOMMENDATIONS FOR ACTION
(28)

6.7.7 We recommend as follows:

- (i) Sometimes transfers of Civil Servants from one station to another are ordered on account of extraneous pressures. This practice weakens the morale of Civil servants as a whole. Transfers should be ordered only when they are unavoidable, such as the occurrence of the vacancy in a different station; the demand for the services of persons with specialised experience not available in the same station, etc.
- (ii) Retention of persons with special experience in a project or a specific assignment till its completion is best secured by making specific provisions in the rules, such as conversion of the project into a temporary corporation by statute or under the Indian Companies Act, for the period of its implementation, grant of promotion to the person working on a specific assignment when his turn for promotion comes by upgrading the post or under the next below rule.
- (iii) Research workers should, if they become no longer capable of useful or fit for research, be transferred to education or technical departments where they can continue to work as career Civil servants.

- (iv) Officials working in pay scales below a certain level, say, drawing below Rs.350/- p.m. should not, as far as possible, be transferred from one station to another. When the exigencies of the service so require, they may be transferred from one office to another in the same station or a nearby station.

MOTTO FOR
CIVIL
SERVANTS

6.8.1 It seems to us that for all civil services in the country there should be a common motto. It has a great value, especially when on several occasions it is solemnly remembered and repeated. The Government's motto is "सत्यमेव ज्यते" It has been a motto which has certainly inspired us all. In our rectitude and conduct in world affairs we have endeavoured our best to live up to this ideal.

The British Civil Service has the motto "We serve the State", declaring pointedly that it is the State which counts and not the party running the Government for the time being.

We have no means of delving into literature for a suitable motto for our Civil Services. Perhaps the Upanishadic vow: "सह वीर्यं कर्त्वावहे" (Let us both together do great deeds) or the one from the Gita "सिद्धिर्भवति कर्मजा" (out of action cometh achievement) could be considered, as it would constantly remind the civil servants of the promise to do great things in cooperation with all in his environment which constitutes the State or the need for doing his duty for achieving success.

6.8.2

We recommend that there should be a common motto for all civil services such as

"सह वीर्यं क्वाव है"

or

"सिद्धिर्भवति कर्मजा"

RECOMMENDATION.
FOR ACTION
(29)

PROCEDURE, 6.9.1 Finally, we consider that administrative
TOOLS, PLACE
& CONDI- behaviour and the morale of the organisation can
TIONS OF
WORK & OTHER be considerably influenced by the procedures of
MATTERS
AFFECTING work and the tools of administration that are at
MORALE.
the disposal of an employee and the surroundings
in which he works. Efficiency in the working of
Government offices depends as much in the willing-
ness of the civil servant to work as on the faci-
lities given to him to work. A lot of inefficiency
in Government is due to the outmoded tools with
which Government equips its civil servants. But
the average citizen blames the present day civil
servants for the inefficiency and complains that
they are not as good as the civil servants of
"the good old days" were.

Government must give good and efficient
tools to its civil servants. Churchill had said
of World War II: "Give us the tools and we shall do
the job". The civil servant might as well say the
same when asked to do his job well. Output in
Government can be increased and the morale of
its employees could be considerably raised if
the procedures of work and the place of work
are improved.

We deal with the facilities mainly in
the categories of (1) rules of office procedure;

(2) accommodation and furniture in the offices; and (3) other perquisites which save time and ensure comfort during working hours. Provision of such facilities puts a civil servant in a mood to work at his best.

6.9.2 The work relating to organisation and method is no longer the simple matter it was, say, fifty years ago. Nor is the volume of work in Government what it was in those days. We have come to a stage when the office procedures and methods for improving the working of the civil servant can no longer be considered as a spare time job of the Chief Secretary or of the Home Secretary, but should be the responsibility of a separate department. At the Centre a beginning was made in 1954, when the Organisation and Methods (O&M) Organisation was instituted. But adequate attention was not paid to putting this organisation on a permanent and dynamic basis.

O&M AND
OFFICE
PROCEDURE

In some States, O&M Organisation has done a lot of good work. In some others, it is not active as it should be. In Mysore, O&M is with a Secretary who has five other departments to handle. As O&M has mainly a long term aspect, its work gets shelved or

neglected under pressure from urgent items of work from the other departments. As ideas in regard to improvements in office techniques are still in a somewhat incipient or exploratory stage, steps taken in this direction have been of an ad hoc nature. Thus, in Madras, a High Power Committee on Economy and Administrative Reorganisation was appointed in 1966. This Committee did a lot of good work. It is however not a permanent body. After the change of Government early in 1967, this Committee has not been reconstituted. Its work could as well have been done under the O&M auspices. Other States have also appointed such ad hoc committees, all of which have indeed done good work.

Mysore State had at one time an Efficiency Audit Organisation in operation. It consisted of a Superintendent of Police aided by six qualified auditors. These people had the right of quietly inspecting procedures in various departmental offices and recommending remedies. The system worked very well, from the accounts we have heard from diverse sources. The system was abandoned perhaps because it had a police flavour about it. But it should have been replaced by a new set-up of the right type or it could have been entrusted to a properly

organised unit of the O&M. However, it has happened that there is nothing in Mysore now in place of the Efficiency Audit System.

O&M did very good work in Rajasthan. From the Report of the Rajasthan Administrative Reforms Committee (Chairman: Shri H.C.Mathur, M.P., now Member A.R.C.) one finds that the work of O&M Section has been most helpful in that State. There is one item which is impressive; the O&M looked into the periodical returns submitted by the Commissioners and the Deputy Commissioners. These numbered 3315 during the year. O&M was able to reduce this number to 1331.

O&M in Rajasthan worked on the following among other items as well and introduced or recommended major reforms:

1. Programme of inspection of offices by supervising officers.
2. Revision of the organisational set up of the sections and assessment of staff requirements.
3. Training of personnel .
4. Organisation of Junior Diploma courses in the Secretariat.
5. Extension of the scheme for departmental examinations.
6. Arrear clearance drives.

7. Reduction in the number of stages through which files have to pass.
8. Preparation of handbook on office procedures.
9. O&M Work in Departments and District offices.
10. Tours and tour programmes.
11. Introduction of the cell system.
12. Rationalisation of printed forms and of model drafts.
13. Setting up of staff council.
14. Compilation of circulars and important orders and codification of service rules.
15. A marking scheme for the ministerial staff in the Secretariat under which, marks are awarded by the Assistant Secretary, O&M, Assistant Secretaries and Deputy Secretaries of sections concerned during detailed inspection of the manner of disposal of files, these marks being used in assessment of merit of the civil servants.

It will be seen that O&M in Rajasthan undertook a very ambitious programme which even included some items of normal supervision work of the regular offices, such as those of Deputy Commissioners and Commissioners. All the same, the above list gives an idea of the magnitude of work which now has to be organised under O&M.

At the Centre there is the Staff Inspection Unit. There is also the Administrative

Reforms Department in addition to the O&M. Thus, while the need for reform and improvement in office techniques is being recognised more and more adequately, we have not yet felt that the work of reform and improvement is a continuous one and that it is best looked after by a permanent well-equipped agency operating at the Centre and in the States in a coordinated manner. The Staff Inspection Unit, the Administrative Reforms Department and the O&M are now working in somewhat water-tight compartments. The Study Team on Personnel Problems (Chairman: Shri R.K.Patil) has observed that O&M has failed to achieve its objective and that it may even be wound up in its present form. It has also said that the Staff Inspection Unit has covered only a small part of the problems and has recommended the transfer of the O&M personnel to the Staff Inspection Unit and entrusting a crash programme of work measurement etc. to the Staff Inspection Unit. It further recommends that the Administrative Reforms Department at the Centre and the Staff Inspection Unit should be placed under a joint command and that the two organisations should continually examine the following items:

- (i) the growth of personnel (SIU functions);
- (ii) procedural reforms (ARD functions); and
- (iii) checking proliferations of offices (suggested by the Study Team).

The Study Team recommends that the Administrative Reforms Department should form a wing of the Central Personnel Agency.

RECOMMENDATIONS

We wholly agree with the observations of the Study Team on Personnel Policies (Chairman: Shri R.K.Patil) on O&M. We should avoid multiplicity of organisations doing the same kind of work. Whether it is the Staff Inspection Unit or the O&M it would matter little. All that is necessary is that there should be one organisation at the Centre and a similar coordinated and coordinating one in the States. As there is already the O&M in every State, - dormant or active - and people are familiar with the same, it seems best now that O&M is given this new task of reform and improvement and is properly equipped for the purpose.

Perhaps the implementing organisation may be the O&M at the Centre as well as in the States and all these O&M units may work under the Administrative Reforms Department which would do the coordination and programming work. There has to be some agency which can take up the gigantic job of initiating and directing the implementation of such of the recommendations of the Administrative Reforms Commission as are accepted by the Central and State Governments. This work can be done by the Administrative Reforms Department after it is staffed and equipped satisfactorily for the purpose.

6.9.3 In the course of our enquiries we have come across a number of situations and procedures of work in offices requiring attention. An exhaustive enumeration and study of such situations and procedures is beyond the scope of our work. These are far too many in number. Besides with lapse of time and change in methods, new situations will arise and new procedures are evolved. As we have recommended above, to deal with these situations and procedures we should have a permanent well-equipped organisation. However, in this report we feel that it is necessary to refer as examples to some of the more important problem situations we have come across and to suggest remedies the implementation of which, as recommended by us, is to be entrusted to the O&M organisation.

PROCEDURES
OF WORK &
THE MAGNI-
TITUDE OF
THE
PROBLEM

6.9.4 Office procedures now in vogue are a growth of well over a century. They are based on the accumulated experience of these past decades and are on the whole very satisfactory, especially in so far as the administration of the primary functions of Government (such as law and order) is concerned. The smooth change over from British administration to our own in 1947 is itself the

OFFICE
PROCEDURES

biggest tribute to these procedures.

But a lot of dead wood has accumulated as is to be expected in a dynamic society. Even under normal conditions procedures require overhaul now and then. There is however in every country a tendency for the overhaul work to fall into arrears and our country is no exception. Procedures which are not satisfactory but which enable administration to be carried on somehow continue without overhaul or even a thought of overhaul. It is sheer inertia which is responsible, for instance, for the present awful state of Civil Service Regulations (which in fact have gone out of print). No one will deny the necessity of reprinting these regulations (and other Manuals) after incorporating in them the countless repeals and amendments which have been made to them over the decades. Yet no one seems to get the time to do the overhaul as administration goes on somehow without any serious upset. A rule gets prompt attention, no doubt, when something serious happens, e.g., when there is an embezzlement, or when a prisoner escapes from jail, or a police rifle is stolen or when food scarcity caused by man's neglect threatens the peace of the land. The erring rule is then amended

with great promptness. But the bulk of the remaining rules just remain as they are because the heavens do not fall on any one. The main difficulty is that while the problem of overhaul is becoming more acute and pressing because of the fast tempo of accelerated development and industrialisation, there is no machinery which can give sustained attention to deal with it. Of course, O&M was created for this purpose but it was treated more as a hobby than as a serious affair; O&M in Mysore, for instance, is one of six departments with a Secretary.

When the somewhat primitive condition of the rules of procedures was seen as an impediment in the way of the implementation of gigantic public sector undertakings, a way out was found, not by attempting to reform, but by bypassing the rules. The public sector undertakings as also the public utility services were given a corporate framework (under the Companies Act or by statute) and therefore autonomous status. But institutions and offices which remained under Government continue to be under those same rules of procedure which are in great need of change and overhaul.

While on this vast subject, we would like to dwell at length on a few instances of outmoded office procedures in order to give an idea to the Commission of its importance and magnitude.

INSTANCES
RELATING
TO OFFICE
PROCEDURES

OFFICE
MANUALS

6.9.5. The present condition of the services manuals and other similar manuals such as the Fundamental Rules, the Civil Service Regulations, various Book Circulars, Treasury Manuals, etc. is most unsatisfactory. Many have long since gone out of print. The available copies are clumsy and bulge with countless repeals and amendments pasted at odd angles all over the pages. Some offices do not even have copies of these manuals. The result is inefficient handling of business and consequent dependence in an increasing measure eventually on the offices of the Accountants-General and of higher authorities. Sticklers for formalities in the A.G.'s and other offices have the fun of their lives, dissecting errors (some of them inconsequential) committed by civil servants in the administrative offices.

The gap is filled, in part, by some experienced retired civil servants who have ventured to make some legitimate income by publishing books of their own in which they have given the rules as well as the rulings issued by Government from time to time. In

some offices only these privately published books were available and there was no trace of many of the original government publications.

Similar difficulties are being experienced by the public as regards the availabilities by the statutes enacted by Parliament and State Legislatures and rules made thereunder with the result that privately published statutes and rules often containing many mistakes are to be resorted to by the public. This is far from satisfactory in as much as such publications are not authentic and free from mistakes.

The task of rewriting and presenting to the civil servants up-to-date copies of the manuals is a baffling one; but it has got to be taken up and accomplished. A couple of very competent men from the administrative offices should be entrusted with this task. This team should take the help of an experienced person from an Accountant General's office in an advisory capacity. The work should come under O&M.

6.9.6 The Home Ministry should collect all personnel rules and instructions together in one manual. The rules and instructions should be arranged in an orderly manner for ready reference and should be accompanied both by

LOOSE-LEAF
PERSONNEL
MANUAL

a table of contents and a good index. The rules should be issued in unbound form with the page numbered by chapter. Each page should be punched for filing. All the pages should be filed in serial order in loose-leaf file-holders (which are also called box files) so that any page can be easily detached and replaced whenever necessary. This will obviate the present ugly practice of pasting amendment slips all over a book of rules. We had occasion to see a U.S. Service Manual Report up-to-date and neat in this manner. Whenever changes are made in the rules or instructions, a revised page or a revised chapter shall be prepared. Important decisions may be issued at once, but so far as practicable, changes shall be accumulated and issued quarterly. Each revised page shall bear a date of its issuance. The loose-leaf personnel manuals shall be issued to establishment officers and such other officers as may be designated to receive them by the Home Ministry. The Home Ministry may authorise distribution to such university libraries or other organisations as it deems desirable and also authorise the sale of the manual. The table of contents shall be revised when necessary and the index revised as often as desirable in order to keep the manual readily useful. The Home Ministry

should collect all personnel laws and enactments together into a separate loose-leaf manual. The chapters in this manual shall be numbered and titled in the same way as those in the manual of personnel rules and instruction. That is, a person who reads in the chapter on employment rules should by turning to a similarly named and numbered chapter in the laws find all laws on the same topic.

6.9.7 This opportunity should not be missed in rationalising and consolidating the Civil Services Regulations, the Fundamental Rules, the Treasury rules, etc., etc. Many of the rules now in force are needlessly crude or complicated. One sometimes wonders if the offices exist for the glory of these rules and not vice versa. The paralysing grip of the myriads of account rules on the administration should be loosened in the revised versions. Half the "red-tape" evils arise from the existing rules. It is worth mentioning a couple of cases of red-tape delays even at the risk of making this report lengthy. The first instance which comes to our notice as most glaring is of pension cases in Madhya Pradesh of which in the late 1950's as many

PENSION
CASE

as 3,000 were pending finalisation! The case record is, however, held by Maharashtra where pension areas in one case were sanctioned in favour of the pensioner's grandson, after the pensioner and his next legal heir had passed away by efflux of time. It must, however, be said to the credit of these two States that, ahead of most other States, they have now new rules which permit quick clearances of pension cases. These rules with further improvements, can be copied by other States. We have made detailed recommendations regarding pension in Chapter VIII. The other instance is from Mysore and concerns purchase of survey maps of villages or of tehsils from the Settlement of Survey Departments. These maps are never sold in bulk - 99% of the purchasers are individual wanting them for a bit of their personal work. The purchase procedure is fantastically involved and amounts really to torture more especially in the case of the uninitiated purchasers. The purchaser first goes to the Government Press Book Depot where most governmental publications are sold. He is told there that the map is available in the Survey and Settlement Office. When he goes there the clerk tells him to make a written application with a court fee stamp of Rs.0.25 and gives him a cyclostyled circular which asks him to credit in the Treasury the sum of Rs.2.25

TREASURY
CHALLAN
SYSTEM OF
CREDITING
MONEYS.

as the price of the map on one challan and the sum of Rs.0.06 by another challan as the sales-tax. A copy of this circular is appended to this report as appendix VIII. The purchaser then finds that he has to go the corridors of the Civil Court of the Deputy Commissioner's office for the court fee stamp of Rs.0.25 and then rush to the Treasury for challan forms. He completes the application, fixes the court fee stamp and then stands at the counter of the treasury with the challans and the money. But he is then told that the challans need the counter-signature of a 'responsible' person in the Survey & Settlement Office; so he treks back to the Survey Office, just manages to get the challans signed and then rushes to the treasury. At the treasury someone registers the challans, signs them and directs the purchaser to go to the Reserve Bank and credit the money there! The purchaser finds it is too late, past 3 P.M. - to credit the money in the Reserve Bank; he goes early next day, spends a trying hour in the queue and after crediting the money on the two challans he is given a red slip and is told to come late in the evening to collect his copy of the challans. He goes in the evening and finds for himself his copy of the challan

from a tray in which several others try at the same time to fish for their own challans. He then pays his third visit to the Survey Office after spending double the cost of the map on conveyance and odd cups of coffee to help keep his temper against inevitable odds, in addition to wasting two solid days in the hunt after the map. It is a transaction which should not take more than three minutes or more than one visit to the Survey Office. The purchaser would gladly pay Rs.5/- for the map to be saved all this trouble.

If Government had charged Rs.5/- for the map in a transaction lasting three minutes it would have earned some profit, whereas in the sale which brought it a gross income of Rs.2.56 (including court fee stamp), the net income, after deducting cost of challan forms and of the extra clerical labour and the cost of the map itself could as well be nil.

These are not isolated instances of wasted time and effort for members of the public and the clerks concerned. For the public, it is sheer waste of money in addition. These are instances typical of treasury work. This madness must be rooted out.

The main *raison-de-etre* for the treasury challan system is the unwillingness of depart-

mental officials to handle even small sums of money. They would shirk work and also the responsibility and let the challan method waste time, effort and money of all other people around, including the State. The total sale proceeds of maps in the Survey and Settlement Department may not exceed a few thousands of rupees a year. A head clerk can easily give the security for this sum - if such security is deemed necessary - and do the collections in cash and send the cash on one or two challans to the treasury at the end of the day's or week's transactions.

In this connection we may state that the Regional Transport Office in Bangalore which some years back followed the challan system now accepts cash collections of lakhs of rupees from thousands of people who come up for the registration of their vehicles and for driving licences every quarter. The R.T.O. sends the cash collections daily to the Treasury on just a few challans. If the R.T.O. handles lakhs of rupees every month in this manner, there is no reason why all other offices should not do likewise. The gain to the States and to the people, both in expenses saved and in comfort is too

large to be thrown away lightly.

REBATES FOR
QUICKER
PAYMENTS

6.9.8 In Maharashtra and also in some other States the Government gives a rebate for those who pay the car or truck registration fee for the whole year. In Mysore such rebate is not given. The Maharashtra method is again an instance where a little concession goes a long way in saving expenses and trouble in the long run. We mention this as we feel that instances like these deserve a special study. Such a study will help reverse the present trend of rules, more rules and still more rules from Government offices which make public transactions more complicated, time-consuming and troublesome all round.

Adoption of simpler, yet effective, methods will enable more work to be got through by a smaller staff.

CASUAL
LEAVE

6.9.9 The system of casual leave adds to the variety of the type of leave that can be availed of by a Government servant. It leads to additional work in that separate casual leave account is to be maintained. As this leave cannot be accumulated, there is a tendency on the part of the staff to exhaust the leave before the expiry of the year in which it should be availed of. Consequently, we may find a number of employees on casual leave even upto a week towards the close of the year, just

because this leave has not been availed of during that year and will otherwise lapse at the end of that year.

We suggest that the system of casual leave may be abolished and in lieu of it we may increase the eligibility for earned leave from the present 1/11th of duty to 1/9th of the duty. It may also be laid down that earned leave upto one month may be sanctioned by the Head of the Office for all officers and leave salary for the period of earned leave upto one month will be at the rate at which the Government servant has been drawing salary prior to his going on leave, and will be authorized by the Head of the Office without the need for the prior issue of the office order and without getting the leave salary slip from the Audit Office. It may also be laid down that a Government servant may have the option of converting leave upto a period of a month into cash compensation once in every two years, so that the Government servants may not unnecessarily go on leave and at the same time they do not avoid taking leave also.

6.9.10 The grant of increments which fall due on the completion of prescribed period of a year or two years throws up also a lot of work which can be simplified to a great

SANCTION
OF INCRE-
MENTS

extent. It can be laid down that the increments shall always take effect from the first of the month nearest to the date of completion of the prescribed period. That is if the date of completion of the period falls between 2nd and 15th of any month the increment will commence from the first of that month, otherwise from the first of the next month.

SUMMARY
OF THE
POINTS.

6.9.11 In brief our recommendations in regard to these instances quoted above are:

- (1) A competent body of men from the administrative offices, aided by an experienced person from an Accountant General's office should be entrusted with the task of revising rules and then reprinting the revised office and other manuals. This body should work under the O&M organisation. The various statutes and rules made thereunder should be got printed by Government and made available to the public within a reasonable period.
- (2) Pension clearance procedures should be revised, following the examples of Madhya Pradesh and Maharashtra. The excessive emphasis on verification of service should be relaxed. The service book should be regarded as adequate evidence without a cent per cent verification.
- (3) Every office must have its own arrangements for receiving moneys on its own receipt book and for crediting the total collections now and then in the Treasury. The challan system should be used in exceptional cases. The practice of taking fixed fees, such as for licence in radio and Central Excise renewals, in the shape of stamps similar to court fee stamps should be introduced wherever practicable.

- (4) Rebate system should be made more frequent use of in order to reduce clerical transactions. Examples are the reduced charges for renewal of radio licence for a three years' period at a stretch and, in Maharashtra and other States for registration of a car or truck for a whole year at a time.
- (5) The present system of casual leave may be abolished. In its place the rate of earning leave may be raised from 1/11th of duty to 1/9th of duty. Earned leave upto one month may be granted by the Head of the Office. An option may be given to Government servants to convert leave upto one month as cash compensation once in two years.
- (6) The increment in the salary scale shall accrue from the first of the month which is nearest to the date of completion of the prescribed period for eligibility to its drawal.

6.9.12 A box should be maintained for complaints or suggestions which people want to make anonymously or, for one reason or other, do not want to write them in the Complaint or Suggestion Book. In addition to the box, a book for recording complaints and suggestions should be kept by the Receptionist. This book should have all perforated pages and, with the help of carbon papers three copies should be obtained of each complaint or suggestion. Each evening the Receptionist should send the original to the Head of the Office and the second copy to the Head of the section

SUGGESTION
BOOK AND
SUGGESTION
BOX

concerned.

The third copy should also be torn at the perforations and kept in a separate file by the Receptionist. The book itself will thus have no entries in it to tempt the curiosity of the visitors the next morning.

The third copy of the complaints or suggestions should all be filed month-wise. At the end of each month the Secretary or the Head of the Office elsewhere should himself see the monthly file, eliminate (and destroy) those complaints or suggestions which have been attended to and hand over the rest to the Receptionist for being included at the top in the next month's file. He should keep his own file of these up-to-date in the same way.

Suggestions should be welcomed from the staff and good ones should be suitably rewarded under incentive schemes in force or otherwise.

It is sheer inertia that comes in the way of people recording their suggestions. Therefore in the monthly staff meetings the presiding officer should discuss procedures, etc. Any suggestion emanating from the discussion should then and there be recorded and a copy of the same brought on record in the suggestion book and in the monthly files.

Thus, the suggestion book, which is now

a meaningless formality can be converted into a useful way for keeping things up-to-date in the office.

6.9.13 The morale of a work force, in India can go down considerably, if during the summer the Government employees may not get even cold water to drink and have to work in sultry and stuffy offices. Sometimes these provisions are absent and they should be provided for invariably. On the other hand, it cannot be said at all that in regard to provision of lights and fans any office has been neglected. On the contrary there is need to check the reckless use of these facilities. This matter is important enough to merit a mention in our report. It is a common sight to see lights ablaze in Government offices even when there is no need whatever for extra light. Fans whirl round at full speed even when rooms are empty. People just do not care, much less think of the waste involved. A ceiling limit for expenditure on electricity and water should be fixed for each building based on the normal use of light and water during the working hours of the office. This ceiling limit when compared with

LIGHTS AND
FANS.

bills paid for electricity, say, in 1966 as a key year, will give an idea of the waste involved. Any savings when compared with old bills could be used for grants for providing amenities to the staff working in that building through welfare funds.

STATIONERY 6.9.14 There are enough rules on the issue of stationery materials and there is little that we have to say by way of improvement. The only point to be mentioned is regarding complaints received on non-receipt of forms.

As for revising forms, reducing the number of periodical returns, etc., this is best included in the list of permanent duties of the O&M. Revision of old forms, introduction of new ones and alterations or additions to existing periodical returns are jobs to be handled by O&M.

ECONOMIES There is one point however deserving of special mention. This is about economical use of stationery. We have now with us a financial environment which is extremely difficult. We have had devaluation without the expected improvement in exports. Recession is still looming on the industrial horizon. Under similar circumstances in the past we have had drastic rules for cutting down expenditure on stationery in the offices. And it is amazing that both

Central and State Governments have just lost sight of old precedents and have failed to issue similar orders this time.

When devaluation came in the economic depression of 1930 Government introduced an all round cut of 10 per cent in the salaries of all civil servants and then, among several other things, issued very strict orders for economy in the use of stationery. The economic use of stationery in fact settled down as a habit in many offices. During World War II, similar orders for economic use of stationery were issued and these orders were scrupulously followed. One order was particularly silly in so far as its impact on economy was concerned: in place of pins offices were asked to use, supplied and used thorns of babul trees! But the psychological effect was terrific. Insignificant amounts were saved, but by thousands of civil servants, the total savings therefore amounted certainly to sizeable sums. In those days Government officers went about on bicycles to save petrol. The Chief Justice of Madhya Pradesh, Mr. Hameon, an Irishman, kept up the bicycle habit till he died in harness in Nagpur in 1954. What mattered was morale. In its wake economies flowed without much conscious straining.

We may ask ourselves now: what has happened to us that we have forgotten these two valueable precedents and are in the grip of thoughtless spending in the midst of pessimism all round?

We feel that if only for the psychological value, not to mention the positive economic results, Central and State Governments should issue similar orders in regard to the use of stationery. Chief among those orders are the use of paper on both sides for writing as well as for typing and cyclo-styling; use of cheaper type of envelopes; writing of unofficial memoranda in place of formal lengthy letters and use of brown paper (badami paper in place of costly letter-heads).

An incentive aspect can be introduced in these orders by offering to civil servants in an office as a unit the savings effected in comparison with a reference year such as 1963 or 1964 as a grant towards welfare activities for the civil servants in that unit.

A continuing comparative study of expenses on stationery and similar other items should also be a permanent job for the O&M.

UNSOUND
MEASURES
OF
ECONOMY

6.9.15 In the wake of introducing economies, certain measures are often introduced which often defeat their very purpose and which affect adversely efficient functioning.

One instance is the rule requiring officers drawing certain salaries to travel by rail instead of by air, even though railway journey alone may take more than 12 hours of time. This does not take into account the fact that by this mode of travel, the valuable time of officers is wasted only in travel, when it can be usefully spent in office. We therefore recommend that when journey by railways will involve more than twelve hours of travelling and when such journey can be undertaken by air, air travel should be allowed. Another instance is the use of papers of bad quality which are not bleached white, for writing or printing in Government offices. Such use makes working difficult and slow, as it throws up a lot of strain on the eyes. Such measures are really false economies and should be eschewed.

6.9.16 Mechanical devices in Government offices should be introduced to help doing work expeditiously. Franking machines should be installed in all big offices where postal despatches are of considerable volume. This will effect a saving on printing of stamps for which imported paper is used. It saves work in the offices and in the treasuries which do the work of issuing the stamps. Similarly, installation of calculating machines, copying

MECHANICAL
AIDS

machines, electrically operated duplicating machines will not only save labour but also be more economical in the long run. In addition, these contribute to the efficiency of the office.

RECEPTION
ARRANGE-
MENTS

6.9.17 "Good reception arrangements build the image of the civil servant in the public eye and are a necessity in printing high public relations. Reception arrangements should be provided in the manner recommended in the Rajasthan Administrative Reforms Committee's Report (pages 224-225). We quote below these recommendations:

- "224 A separate post of Receptionist should be sanctioned for all government offices which have substantial public dealings. In offices where the Receptionist will not have whole time work, one of the officials in the normal establishment may be deputed to work as Receptionist in addition to his own duties. If possible, the Receptionist should also be provided with an internal telephone connection. He should also be provided with one or more Class IV servants.
- 225 Normally visitors should not be permitted to meet any official below the Section Officers in the Secretariat or the Office Superintendent/Head Clerks in departmental offices for enquiring about any official business.
- 226 The Receptionist should also maintain ready-stock of standard application and other forms which are normally required in connection with the business dealt with in the office, and these should be supplied to the visitors on demand.

- 227 Standard saleable forms for applications should be devised by each Heads of the Department in which the members of the public may submit their applications.
- 228 All Government offices should have adequate arrangements for the seating of visitors. Basic facilities such as drinking water, fans, etc. should also be provided to the visitors.
- 229 Whole-time posts of receptionists should be created for the departments mentioned in para ... and part-time posts of receptionists in the departments and offices mentioned in para ..
- 230 Courts should have proper seating arrangements for the counsel, witnesses and litigants.
- 231 Receptionists should also maintain a complaint or suggestion box. Heads of offices concerned should examine all these applications or complaints."

6.9.18 Every large office building must have a canteen. This canteen should not be, as it is, a hundred or more yards away, as this distance greatly encourages loitering. Preferably the canteen must be in a well-ventilated room conveniently situated in the office building itself and provided with electric heaters or heaters using smokeless fuels (like gas cylinders, etc.). The canteen should be clean; a senior official should by name be held responsible for the cleanliness of

CANTEEN &
OTHER
SERVICES

of the canteen. The same officer should be held responsible for the cleanliness of the building itself, and especially the lavatories (which often proclaim their presence in many offices by their offensive smell).

The canteens should be out of bounds for civil servants outside recess hours, that is during hours of work in the offices. Habitual presence in the canteen at odd hours should be made punishable, as exhibition of unbecoming conduct.

TEA, ETC.
SERVICE
AT PLACE
OF WORK -
NOT IN
CANTEEN

During the working hours of the office, tea and light refreshments should be served to the civil servants at their working desks at stated hours. This is the practice in many offices and even in some large factories in the private sector; for instance in the Tata Iron & Steel Works, at Jamshedpur. At present civil servants go to the canteen and spend more time talking than on drinking tea. The canteen has encouraged loitering more than any other device. This should be mended.

Canteens should not be run by Government. But the tea, etc. ought to be supplied at the working site only on a small profit basis. Cooperative canteens should be encouraged.

No sales should be on credit. Sales may be arranged on presentation of coupons from coupon books purchased from the canteen on cash payment. Canteens should not be permitted to display prominently any notice board or notice, as these canteens are not meant for outsiders.

6.9.19 A far more liberal attitude for installation of telephones in offices in the field should be adopted, especially in the development departments. This will facilitate quicker communication and more efficient working.

OTHER PER-
QUISITES

TELEPHONES

Government's policies regarding sanctioning of telephones to field staff are far too conservative, if not haphazard. Elsewhere we have recommended that the system of orderlies should be abolished on phased programme. This makes it all the more necessary that there should be freer provision of telephones. Bigger offices should all have the telex also installed.

We may as an example mention the case of the Office of the Deputy Director of Sericulture in Kolar, Mysore State. Mysore produces Rs.11 crores worth silk every year out of the total Indian production of Rs.18 crores. Of the Rs.11 crores Mysore State's production, Kolar district alone makes Rs.5.5 crores worth of it. Silk production

is a highly de-centralised industry. It is just like agriculture, as the size of a silk farm depends wholly on the mulberry area which feeds it. There are a number of centres - seed farms, depots, etc. etc. under the Deputy Director of Sericulture at Kolar. The silk business is like poultry. There are no holidays, as the worms, eggs, cocoons do not recognise them. The staff is therefore on duty all the 24 hours on all days. Silk worm eggs have to be transported with speed before they hatch on the journey. With this type of rush business, it is amazing that the Deputy Director or Sericulture at Kolar has no telephone, while his colleagues have them in that town. Silk is one of the major industries in Mysore. For the efficient running of this high pressure industry it is necessary that not only the Deputy Director of Sericulture has a telephone, but also all the seed and other depots under him. The savings in travelling allowances will pay for the telephone bills.

SECRECY
OF PHONE
CALLS

We have sometimes seen the Secretary's phone linked up with the phone with the same number on the table of the Secretary's Personal Assistant in the next room. The arrangement is often such that the Personal Assistant or any unauthorised person who may happen to be there

can over-hear the conversation. This should not be made possible. Each responsible officer should see that the secrecy of his phone calls is maintained.

In the Secretariats and other similar bigger offices, inter-communication telephone sets and telex installations should be installed. The inter-communication telephones need not be connected to the P&T system in which case no telephone rents will be payable to the P&T. Besides, the saving will be considerable as all internal calls can be made on these sets without incurring any payment of call moneys to the P&T.

INTER-COM-
MUNICATION
TELEPHONE
SETS

The utility of these sets is far more important than the saving in telephone bills. These sets with the special attachments have the following advantages:

- (i) the Heads of office can have an all-clear line and speak to any one he wants immediately without waiting for an 'engaged' sign to come to an end.
- (ii) the Head of the office can have up to three or four persons connected up at the same time and can hold a conference with them all without calling them from their seats.

6.9.20 The problems connected with the 'place of work' have two aspects. Firstly, here we are concerned with the 'building'

PLACE OF
WORK

for the office. Government offices have to be provided with adequate office accommodation. Where and why an office should be located is also a matter which deserves considerable thinking, but much more important are, of course, the construction and internal partition plans of an office.

The layout of an office is to-day considered as one of the most important elements of designing and organising offices since it has been proved that a bad layout is bound to lead to over-crowding or to shortage of space; or to lack of easy supervision; and in any case it will be an uneconomic and inefficient arrangement.

These matters have other implications as well. For instance, the overcrowding of the staff is a serious health hazard. An unimaginative shortage of files and papers is a wasteful approach towards the management of records. In many of our departmental buildings, there are no built-in shelves and almirahs for keeping records, files, stationery etc. Whenever the offices are not organised on a rational basis, it is bound to affect good administration.

Equally connected and equally important are such other factors like office furniture, office stationery; and, the hot and cold weather arrangements. One of the unfortunate aspects

of an economically poor country is the unconscious development of a habit that anything modern, functional or sophisticated and well-designed is thought of as unwise step - since these things lead to increase in expenditure. Moreover, the expensive things due to their rare use, in an underdeveloped society have thus come to be judged by a sense of moral valuation which is mainly applied in the wrong way.

This problem also needs to be understood in the context of national needs and priorities. We cannot deny that in countries where chief priorities are food, shelter and clothing for the masses, an air-conditioned office would not be a good example of efficiency. But there are people who are against the use of such amenities on considerations of austerity.

We feel that this point can be explained in terms of traditional or non-traditional approach towards organised living of which 'Administration' is but one example. Austerity is not necessarily a traditional virtue. Austerity as a matter of fact is a very scientific need and modern approach in the field of administration and management. The administrative elements of austerity,

namely, economy, efficiency and speed, all point out to a very non-traditional approach. If a proper experiment be carried out between two offices, one, which is organised in a traditional manner without giving any consideration to the principles of office layout and without using functional furniture, or without taking note of the nature of work transacted and without caring for any scientific design for the flow of paper their maintenance etc., and the other which has been organised in just the opposite way; and if the efficient work-performance of these two establishments is contrasted in terms of different variables, say, the difference in the output with the same number of men and women doing the same kind of work, or differences in the input required for the same output we will invariably find that the modern functional and sophisticated arrangements are certainly more economical and more efficient and speedy.

In the name of austerity, people responsible for the up-keep of offices have reduced the maintenance, appearance and the dignity of the offices to a level which is nothing short of a national misfortune. We are more or less using the age old rule of thumb approach which seems to be guiding our day-to-day administration in these matters.

We now turn our attention to the second aspect of the place of work, viz., to the state of cleanliness of the office buildings, including the way in which bath rooms and lavatories are kept. These things are not now given importance due to them by the administrators. The up-keep of the toilets in the offices and other public buildings in India could bring credit to no one in the country. In majority of offices they are the dirtiest ones and the most ill-kept which one can see anywhere. This is an important aspect of a neglected area of administration which should deserve foremost attention of the reformers.

Finally, one could also consider the need of aesthetics in administration. This aspect of administration is considered very important world over. And in this respect, it will be futile to compare our conditions with other countries of the world. It is common knowledge that the Secretariat buildings ought to be provided with beautiful gardens all round and that there should be a more imaginative colour scheme inside the offices. Even the covering of windows by curtains is to-day considered to be a skilled and scientific job. In fact, the public buildings which house the Secretariats

both at the Centre and in the States in India show a dismally poor use of the knowledge of interior decoration. Pretty up-keep of offices is surely not a negation of austerity. But it is a matter of a 'mental attitude'. Aesthetics in administration would reflect the refined taste of people. Concurrently, it will also reflect administrators attitude towards their surroundings and their attitude towards sanitation. In the context of the above observations we shall consider some of the problems connected with place of work.

OFFICE
ACCOMMODA-
TION AND
FURNITURE

PROBLEM
LINKED
WITH
PROBLEM
OF OVER-
STAFFING

6.9.21 The growth of the Civil Service personnel has been phenomenal since 1947. An increase in the staff is justified by plan requirements, but even after making allowance for these requirements, it seems that 'Parkinson's Laws' have been in operation in a substantial way. Assuming that, in future, 'proliferation' of staff will be checked, there will still be the problem of accommodation for the various departments and offices which have come into being. The large number of offices accommodated in private rented buildings in any city or town in India is evidence enough of the problem.

A solution of this problem is thus linked up with the solution of the problem of over-staffing in Government offices. This problem has been dealt with by another Study

Team. The effect of many of our recommendations is to reduce work so substantially as to bring in, inevitably, a progressive reduction in staff.

6.9.22 It is essential that a crash programme is undertaken by Central and State Governments to make a survey of the floor space requirements of all Central and State Government offices in private rented buildings in each city and town and to construct multi-storeyed buildings for housing them. The finance for such building programmes should come from funds such as those of the Life Insurance Corporation (L.I.C.) which normally go into such investments, and the Governments concerned should pay back the loans on a 25 or 30 years' hire purchase basis. The effect of this will be to:

CRASH CON-
STRUCTION
PROGRAMME
NEEDED

- (1) make administration cheaper and easier by bringing offices under one roof;
- (2) release private buildings for residential purposes - as a number of the rented buildings are fit only for residences and are unsuited and uneconomical for office purposes;
- (3) assist L.I.C. to invest in sound real estate;
- (4) enable Governments to spread repayment conveniently over 25 or 30 years and last, but not least;

- (5) smash a pocket of corruption, because a number of rented buildings belong to men who have exploited their easier access to the renting authorities. We know of a residential building from which the owner - a senior official - turned out his tenants through the Rent Control authorities and then rented the building to a branch of the Geological Department. One almost wonders if construction work by Government gets slowed down by those interested in this malpractice.

DESIGNS FOR 6.9.23 It has appeared to us, the design of
NEW BUILDINGS. most buildings meant for housing Government offices follow hitherto patterns not very different from those in vogue decades ago. These patterns are not utilitarian nor are they in accord with present day architectural practice. A refreshing contrast is provided by the Vidhana Soudha in Bangalore which combines utility and appearance. Mysore is the only State which has a building which houses both the Assembly and the Secretariat. The resulting convenience to the Ministers, Legislators and the Secretariat staff is considerable. The rooms for use by secretariat officials and staff let in a lot of day-light, thus considerably lessening dependence on electric lights during day time working hours. Most other offices are badly designed from this point of view and depend excessively on electric lights for providing light during day. The Bangalore Vidhana Soudha is excellent from the aesthetic point of view

also. The thousands of people who have to see the building from outside and to relax in the grounds around are themselves a tribute to the beauty of this building.

New designs of Government buildings should give special attention as much to the appearance of the building as to the utilitarian aspect. Both are difficult jobs and require much careful planning before the finalisation of the designs. The work should be done or vetted by the most competent of architects. Points such as making available the maximum of day light, and the seating of the supervisory staff should receive special attention.

6.9.24 Seating arrangements are of utmost importance in Government offices. The traditional arrangement is to provide separate rooms for members of the supervisory staff (e.g. Secretaries, Under Secretaries, Directors, Deputy Directors, etc.) and thus isolate them completely from their staff. (In the District Court building in Bangalore - built some time in 1875 - the Deputy Commissioner has a separate flight of steps exclusively for his own use and screened off from the view of all others. The Deputy Commissioner of the olden times thought of his prestige as he used this special entrance

STAFFING
ARRANGE-
MENTS

and the Deputy Commissioner of to-day uses it just the same way not so much because of the prestige aspect but because it is there. The result is that during a whole day of work he does not see any other part of that huge building nor does he see any clerk or assistant whom he does not send for into his room. Most other officers who have supervisory duties do just about the same. Supervision suffers much as a consequence. This manner of seating puts a premium on loitering while the senior officers sit surrounded on all sides by the walls of their rooms and perhaps by stacks of files in their flanks. In private business offices and banks, the senior officers sit in places from where they can at least now and then see the whole of their staff at work. This kind of arrangement should be introduced in all Government offices with the least possible delay.

The inconvenience to the public is, as a result of this loitering is most annoying and wasteful. A pending matter needs the attention generally of about two or more civil servants. And it is too often that the painful experience of the public that during the office working hours seldom can one find all the civil servants handling a file at their desks at any given time. One will have gone to tea,

one to lavatory, one on casual leave and so on. To find 'all concerned' at one time is like trying to 'weigh frogs'; the frogs keep on jumping from the scales and one can never get the correct weight of all the frogs.

Government offices are not built for seating of supervisory officers in full view of their staff. It is too much to suggest that Government office buildings should now be altered at a prohibitive cost to make this new method of seating possible. But it is possible always to arrange for a senior gazetted officer to have his table in the large room where the staff works. In the Secretariats a Deputy Secretary or Under Secretary can do this and keep the staff under his watchful eye. Unfortunately, a separate room is regarded as a status symbol. Officers have to be disabused of this idea.

All new Government offices should be built with this mode of seating in view.

6.9.25 For want of departmental buildings in many places, several offices are located in rented buildings which are constructed for residential purposes and therefore, ill-suited. Some modifications are made at the time of renting the buildings, but as time passes, the strength of staff in offices increases

with inevitable overcrowding and congestion. The landlords demand payment of increased rents on account of general rise in prices all round and as this is not admissible under the normal rules the demand is not agreed to. Consequently the annual maintenance work of the buildings is neglected by the landlords. The result is that the building presents in due course a state of utter disrepair and the staff working there are in constant fear of the building collapsing at any time. One has to only look at many of the Government buildings in mofussil towns and other places like Calcutta, Bombay, etc. We have already suggested that the Government should embark on a programme of construction of office buildings. As recommended by us elsewhere, Government offices should be shifted to convenient places in suburban areas. In the meanwhile, a liberal policy should be adopted in regard to renting of office accommodation. Government should not hesitate to make payment of rent at prevailing rates for rented buildings. There should be greater delegation of financial powers to subordinate authorities for renting office accommodation.

6.9.26 We recommend as follows:

RECOMMENDATIONS
FOR ACTION
(30)

- (1) There should be one organisation at the Centre and a similar one at the States to look after the task of reform and improvement of administrative procedures and methods. The O & M units in the Centre and the States may be entrusted with this work. The O&M unit at the Centre may function under the Department of Administrative Reforms which should be in charge of implementation of the recommendations of the Administrative Reforms Commission. The O&M units in the Centre and the States should continually examine the justification for the growing strength of personnel and of the multiplication of offices in Government with a view to checking the proliferation, and take up the work of simplifying the procedures and methods of working in Government offices in order to expedite the processes of decision making and implementation of programmes.
- (2) The methods of working in Government offices should be overhauled by a high level committee consisting of competent and experienced persons including an officer from the Indian Audit Department and replaced by a set of rationalised, efficient and expeditious procedures in keeping with a modern and dynamic administration. The various books of rules and regulations like the Civil Service Regulations, Fundamental and Supplementary Rules, various Office Manuals, etc., should be got rewritten in the light of the changes made. Certain specific examples of simplified procedures are given in para 6.9.11.

- (3) The office manuals and book of rules and regulations should be issued in unbound form with arrangements for removing or inserting corrections, amendments, etc. in loose sheets.
- (4) Pension clearance procedures should be revised, following the examples of Madhya Pradesh and Maharashtra. The excessive emphasis on verification of service should be relaxed. The service books should be regarded as adequate evidence without a cent per cent verification.
- (5) Every office must have its own arrangements for receiving moneys on its own receipt books and for crediting the total collections now and then in the Treasury. The challan system should be used in exceptional cases. The practice of taking fixed fees, such as for licence in radio and Central Excise renewals, in the shape of stamps similar to court fee stamps should be introduced wherever practicable.
- (6) Rebate system should be made more frequent use of in order to reduce clerical transactions. Examples are the reduced charges for renewal of radio licence for a three years' period at a stretch and, in Maharashtra and other States for registration of a car or truck for a whole year at a time.
- (7) A sense of participation and involvement with the organisation should be developed among the staff and the public dealing with the organisation through the introduction of suggestion books and suggestion boxes.
- (8) A consciousness of economy should be generated among the civil servants. In order to encourage this, it may be provided that where economy is effected in the expenditure on electricity, stationery and other contingencies in comparison with previous average expenditure on such items, a portion of the amount saved will be diverted as grants for welfare activities and for other amenities to the staff.

- (9) Measures intended to bring about economies should not lead to dilatory or inefficient functioning of offices. For example, in order to effect economy in travelling expenditure journeys which take more than twelve hours by rail travel but which can be conveniently done by air should not be required to be made by officers by rail. Bad quality papers which will affect the working or which will throw a strain on the employees should not be required to be used to save a small amount on the expenditure on stationery.
- (10) Labour saving devices, such as franking machines, copying machines, etc. should be installed on an increasing scale in Government offices.
- (11) All offices having public dealings should have good reception arrangements.
- (12) The canteens and tiffin room facilities for staff should be provided for in well-ventilated rooms and maintained in clean and hygienic conditions.
- (13) To prevent loitering of staff, tea and light refreshments should be arranged to be served at their work desks.
- (14) Telephone and inter-communication facilities and telephones be much more freely provided to enable easy communication and contact within the officers and the staff.
- (15) The layout of the offices should be properly arranged to avoid overcrowding of staff and to ensure smooth flow of work, without duplication of effort or movement.
- (16) Stationery and equipment for office like furniture, storage space for records, etc. should be standardised.

- (17) Hot and cold weather arrangements and lighting arrangements should be conducive to working without strain or discomfort.
- (18) Government offices should, as far as possible, be located in departmental buildings, especially those having direct dealings with the public, instead of in rented accommodation.
- (19) The seating arrangements in offices should enable proper supervision by the supervisory staff. Officers should not work in closed rooms, screened and separated altogether from the staff.
- (20) Greater financial powers should be delegated to subordinate authorities for hiring accommodation for offices, so that commodious and centrally located buildings which will provide comfortable working conditions to staff, can be rented.

CHAPTER VII

WORK MOTIVATION, INCENTIVES &
PERFORMANCE EVALUATION

CHAPTER VII

WORK MOTIVATION, INCENTIVES &
PERFORMANCE EVALUATION

ACHIEVEMENT
MOTIVATION IN
THE CIVIL
SERVICE

7.1.1 Motivation for achievement is both an individual and a collective phenomenon. Some theories of achievement-motivation stress the individual side and others the collective side.

7.1.2 Empirical research shows that there are two personality types - the achieving and the non-achieving. In both cases, three factors are identified, namely, (a) general motivation to achieve, (b) the probability of achieving a particular task as seen by the individual, and (c) the probability of failing in the task as seen by the individual. Achievement motivation is a basic characteristic of one's personality and is largely determined by heredity, childhood experiences as well as later experiences. Recent psychological works suggest, however, that it is never too late to build some achievement motivation into one's personality. Besides the basic personality trait, of an individual, his immediate motivation for achievement is governed by the personal calculation of the probabilities of success and failure.

7.1.3 Factors that build up motivation in a social system as a whole are also the same that build up motivation in a small sub-system of

that social system such as a department of government or a business firm. A sub-system cannot escape the influence of the larger social system. In the first place a department of government recruits people well over 21 years of age whose personalities have already been formed by the society. Some of them would be achievement-motivated and a large number will not be. Secondly, the sub-system also cannot set for itself norms and values entirely different from those of society.

7.1.4 It is thus clear that there are limitations imposed on a sub-system such as a government department or a firm by the larger society. The average critic of governmental or other institutional work in our country, however, fails to understand or make any allowance for these limitations. The sub-system has to take only those individuals whom society has produced and secondly it cannot set or expect standards of achievement far in excess of those recognised by society. Nevertheless, it can exercise its choice in two ways. In the first place, it can make selective recruitment of those who are more achievement-motivated than others and, secondly, it can set for them norms of achievement in excess of social norms but not too far in excess. Again the second task would be easier if society expects from the sub-system tangible measureable achievement from

time to time. Thus, it is easier for a business firm, an industrial enterprise or even a public enterprise to set up high norms of achievement than it is for a regulatory and administrative department of government.

7.1.5 Against this theoretical background we have to consider how we can improve the selection of officers for Government service so as to get more of the achievement-motivated persons. A competitive examination does this only in a marginal way. We have already pointed out the necessity for the use of psychometric tests and the importance that the Personnel management in the Government should place on aptitude. It would be necessary to supplement the competitive examination, if not supplant it, by adequate psychological tests for achievement-motivation. It is absolutely necessary that a desultory 15-minutes interview is substituted by detailed psychological testing of personality including motivational traits. It must, however, be recognised that these changes in recruitment system cannot produce any miraculous results immediately. Results will flow when the number of achievement-motivated persons increases to a critical point where they will set the tone for the rest.

7.1.6 Secondly, inside an administrative sub-system it should be possible to arrange

task in such a manner as to produce achievement-motivation.

7.1.7 The arrangement of work inside a Government office is such as to induce collective irresponsibility as well as non-identification of separate tasks. At present, administrative work is seen as one continuing stream flowing from day-to-day, week-to-week, and year-to-year. Consequently, the present system gives rise to two extreme cases of neurosis. A small number of people whose ideas are stolen and incorporated by others, get frustrated and do not produce any new ideas whatever. A very large number of people who have no ideas whatever to produce, foolishly claim that other people have stolen the alphabet from them.

We suggest that administrative work should be presented as a number of separate tasks. Of course, it is impossible to do this for routine tasks and they should be separated clearly from the non-routine. 'Programmed' decisions, i.e., decisions on tasks which are set to a time limit or relate to a development scheme or project to be completed according to schedule and 'un-programmed' decisions should be clearly separated. In the case of every un-programmed decision it should be possible for a trained person to analyse after the event or before, how exactly the officer saw the task as his individual responsibility. The details of such a system can be worked out with the help of

trained departmental psychologists. In fact, such a procedure already exists in the Army. The achievement-motivation of an officer can be rated from time to time on his performance of individual tasks.

7.1.8 We have referred to collective irresponsibility. The opposite of this is individual responsibility. We recommend that as far as possible every un-programmed decision should be entrusted completely to one person and all the help he draws from others should be clearly identified and acknowledged. If this is done, it is most likely that the achievement-motivated person would be encouraged to put-forth his best and the others compelled to follow suit.

RECOMMENDATIONS
FOR ACTION.

(31)

7.1.9 We recommend as follows :

- (1) Selection procedures should be so devised as to get a greater proportion of achievement-motivated persons into Government service despite the limitations inherently imposed by the society as a whole.
- (2) The norms set for achievement should be higher than those of the society but should not be so high as to be impossible of achieving them.
- (3) The arrangement of work in Government should be such as to enable identification of the contribution individually from those engaged in the task so that it will be capable of being assessed and rewarded and emulated by others.

7.2.1 In this connection it would be also helpful if two other phenomena are encouraged or even enforced.

TRAINING
COURSES
FOR
MOTIVATION

It would be necessary to take the officers away every year for very short refresher courses in achievement-motivation. These courses need not last more than a week and will be successful only when the system of rewards is seen to be just. The courses may be utilised to make it clear that the rewards are just and to allow the individual officers let off steam.

Secondly, it would be necessary to promote some cross-mobility between the business and the academic world on the one side and the official world on the other. This would help the achievement-motivated person gain greater perspective and also expose the non-achieving person. Thus the charlatan and the quack and those who are afraid to move around would be continuously exposed. We have already referred to this earlier.

CROSS-
MOBILITY.

7.2.2 We recommend that:

- (1) There should be arranged training courses in achievement-motivation for officials.
- (2) Cross-mobility between the business, academic sector and the Government sector should be promoted.

RECOMMENDA-
TIONS FOR
ACTION.
(32)

THE ROLE OF
INCENTIVES

7.3.1 We now turn our attention to the role that incentives play in work-motivation. As hinted earlier, the main task in Government offices is to motivate the average employee to take more interest in his work. The majority of the rank and file in Government are usually inert and content with doing just the minimum which will help keep them out of trouble. This is because the traditional procedures of work in Government offices are such that they do not enthuse the employees to put forth their best effort which most of them are capable of. Government employees are required to follow some set rules and regulations prescribed. Most of these rules and regulations are in the nature of checks and counter-checks which are intended mainly to prevent any 'wrong' thing being done. They have, with necessary minimum modifications from time to time, come down from a period when the real authority rested with the top and when the main aim of the then administration was to provide stability and continuity to the powers that be, rather than to secure change of a social structure, and when decisions on matters were not allowed to be taken at lower levels except in accordance with the well established precedents and traditions from which these rules and regulations emanated. The result is that the latitude for initiative and independent action at

the lower and even middle levels is at present really limited. Further the written code evolved in a different socio-political setting cannot be flexible enough to provide for all situations and for all times. Nevertheless, it is mandatory to follow the code even after its validity in several respects has ceased or become limited in scope. Hence, by their very nature, the current official procedures are time-consuming, rigid and, often, out of tune with the current needs. Besides, many of the methods employed at present adopt a coercive approach to which the natural reaction is a stubborn foot-dragging negativism. We therefore find a situation where by a strict adherence to the existing rules and regulations the employees feel that they have done their duty, but have actually achieved little. The employees do not also cultivate a sense of participation in the objectives of the organisation and have no personal stake in its end results. Consequently, there is a lack of feeling of involvement among them in the goals of the organisation. For the purpose of securing their identification with the aims of an organisation a consultative approach in the methods of work is necessary; opportunities should be given to the employees to say what they think about the problem of the organisation and how they should be tackled. A good team work can be built up

only if consultation takes place between the employees and the superiors and if there is a two-way communication between the two groups. This has been referred to earlier also.

INDIVIDUAL
ATTENTION
NECESSARY.

7.3.2 Great importance is rightly attached to the impersonalisation of administration as it may help ensure impartial and just treatment. But it should not be permitted to obscure the importance of treating the employee as an individual. His fundamental higher and lower level needs, as a human being, should be recognised while dealing with him. He requires treatment with respect and consideration. The individual traits such as whether a man is an introvert or an extrovert etc. should be taken note of. An award which may spur one to greater efforts may leave another cold. A person who does meritorious work should feel that his work is recognised and appreciated by the management. Depending on each individual's ability, aptitude and willingness, his work situation should be changed, now and then, to get the best out of him.

7.3.3 A good administrative system should provide opportunities for the fulfilment of such needs of the employees as self-esteem, recognition from others, and self-development which act as powerful motivators. Economic and related rewards should be devised to take into account these factors.

7.3.4 In most of the cases the type of work in Government is not susceptible of quantitative measurement, rendering a precise check on output difficult. There is also the inherent difficulty in evaluating the quality of work which is a relative characteristic. Present procedures for rewarding the good and punishing the bad are so cumbersome that their efficacy is not felt. Practical solutions to these difficulties have to be evolved.

MEASUREMENT
OF WORK.

7.3.5 An incentive scheme should recognise achievements by way of sustained performance of prescribed quantity and quality. While exceptional merit, leadership, courage, ability and the like are earmarked for recognition, practice like steadiness in character, devotion to duty, loyalty, high sense of responsibility, etc. should not go unrewarded. Though a recognition of these qualities is liable to be misconstrued as a sort of premium on mediocrity, their non-recognition in a suitable form may distort the image of administration.

CONSISTENT-
LY GOOD
PERFORMANCE
TO BE
REWARDED

7.3.6 An incentive scheme devised should not be too generous or general or expected as of right but should be related to tangible results. Its value should not be cheapened. The procedures for assessment of work of quality and quantity should be foolproof and should inspire confidence in the objectivity of the award. A human approach in personnel management would itself serve as an

SELECTIVE
NATURE
OF
INCENTIVES.

incentive to the employees.

METHODS OF
PROVISION
OF INCEN-
TIVES

7.3.7 Incentives in the civil service can assume many forms such as :

- (i) Provision of attractive service and salary structure.
- (ii) Provision of environmental facilities obtaining at the place of work, for example, working in air-conditioned rooms, etc.
- (iii) Grant of fringe benefits and perquisites such as medical facilities, retirement benefits, special allowances, housing accommodation, leave and study leave etc.
- (iv) Promotion to higher posts.
- (v) Deputations to training institutions like Secretariat Training School, Indian Institute of Public Administration, Staff Colleges, etc. for inculcation of the correct attitude to work, and for refresher courses.
- (vi) Selection for training abroad in specialised fields according to the aptitude of the employees.
- (vii) Placement in a type of work in accordance with the employees' aptitude or a job that enhances his prestige or importance.
- (viii) Monetary or other compensation for additional work done by an employee.
- (ix) Rewards (including grant of honorarium, extra increments etc) in appreciation of exemplary devotion to duty or discharge of duty against over-whelming odds and difficulties.
- (x) Acknowledgement overtly by the management of the good work done in certain cases.

- (xi) Preventive measures against mistakes, negligence and frauds etc. by administrative action.

7.3.8 The negative factors such as fear of punishment, fear of losing the job etc. are not themselves sufficient, especially because supervising officers are often reluctant to impose punishments where they are deserved. The punishments inflicted are generally sporadic at times suspected as being due to personal motives, and this suspicion takes away the efficacy of punishments as such. Positive incentives such as the hope or prospects of reaching to the topmost positions, the attractive conditions of service such as convenient hours of work, leave, pay and allowance, promotional avenues, medical facilities, retirement benefits, transport and housing, welfare and recreational facilities etc. go a long way towards the building up of the interest of the employees in their job and in the objectives of the organisation and in increasing productivity, if they are devised on a rational basis and applied objectively.

INCENTIVES
TO BE
POSITIVE.

7.3.9 Spread-over in this report are a number of our recommendations regarding pay scales, promotions, conditions of service. All these recommendations have been made taking into consideration the various features mentioned above.

RECOMMENDATIONS 7.3.10
FOR ACTION
(33)

We, therefore, recommend as follows :

- (1) A close association of the employees with the management of the organisation in regard to matters which directly affect the employees should be secured by having consultative machinery in which the employees and the management should discuss the work and the problems of the organisation in periodical meetings.
- (2) In dealing with the employees, allowances for the individual traits of each should be made. The administrative methods for rewarding the employees or punishing them and getting the best out of them should be accordingly adjusted.
- (3) The motivating factors such as the self-esteem, recognition from others, and self-development which an employee seeks, should be the basis on which the methods and procedures for achieving the objectives of the organisation should be built up.
- (4) While there is need for adopting the methods such as imposition of punishments for acts of commission and omission of the employees, positive incentives such as the prospects of advancements to the top positions, attractive conditions of service, convenient working hours, adequate leave, promotional avenues, medical facilities, retirement benefits, housing and other welfare measures, should be liberally employed.

7.4.1 We shall consider here some specific proposals:

RECOMMENDATION OF
THE SECOND PAY
COMMISSION

The question of provision of incentives for better performance was considered by the Second Pay Commission. It recommended the introduction of a system of financial incentives for improved output in areas where the output was susceptible of precise measurement. The Pay Commission referred to the system obtaining in certain departments such as Government industrial establishments manufacturing various items, some branches of the Posts & Telegraphs, Railway Departments, etc. where the output can be quantitatively measured and where a system of payment by results was already in existence. The Pay Commission recommended the continuance of this system and its extension to other areas in Government offices where also the work was amenable to quantitative measurement. They suggested adoption of work measurement techniques and prescription of minimum standards of performance wherever possible so that for work turned out over and above the standards prescribed, monetary compensation may be paid. For work done beyond the prescribed hours, payment of overtime allowance at hourly rates was recommended. These recommendations have been accepted by Government and rules and regulations governing the payment of monetary compensation for work done beyond the prescribed hours, and above the minimum standards have been laid down.

7.4.2 The adoption of the recommendations of the Second Pay Commission has worked well where the output can be assessed precisely in quantitative terms and where minimum standards of performance

SHORTCOMINGS
OF OVERTIME
WORKING

have clearly been prescribed after work measurements, as for example, in the typing, duplicating, receipt and despatch sections. The extension of the principle of grant of overtime allowance at hourly rates for work performed beyond office hours in cases where no definite yard-stick for measuring the output has been laid down, has led the same instances to abuses. For example, the system of payment of overtime allowance for disposal of office files and references by assistants in the Secretariat and other offices, sitting beyond the normal working hours has greatly encouraged a tendency to get a part of the normal work done on overtime basis as there are no fool-proof standards for measuring the hourly output of an assistant. The mere physical presence in the office beyond the working hours by certain categories of staff becomes a ground for claim of overtime allowance, e.g., personal staff of officers sitting late in offices when the officers sit late, the railway staff and the P&T staff during the late running of trains, etc. In fact, it is commonly said by way of a joke at the expense of the railwaymen that whereas before 1947 they got a bonus for running trains in time they now get overtime allowance for bringing the trains late. This has the effect of putting a premium on tardiness in working, even though the principle

behind the grant of overtime allowance in such cases is on the basis that the time of an employee whether his services have been utilised or not has to be paid for. We suggest that for such overtime working only payment at a reduced rate should be considered instead of the standard overtime rate. Such a reduced allowance may be called the "detention allowance."

7.4.3 We consider that the practice of overtime working is a symptom of irrational distribution of work and supervisory deficiency. As such, it should be resorted to only when there is sudden, unexpected increase of work. We feel, therefore, that for occasional overtime work, there may be no strong justification for the employee in demanding either off-time or over-time allowance. But if he has to work on several occasions in the month beyond regular office hours he may be allowed detention allowance or a suitable overtime allowance, subject to the restrictions prescribed.

7.4.4. We have elsewhere recommended that minimum standards of performance should be laid down for all jobs wherever possible, in precise terms. We suggest that overtime allowance should be granted only for performance over and above the minimum standard wherever prescribed. If an employee's work is below the minimum because of his slowness in work

OUR SUGGESTION
REGARDING OVER-
TIME WORK

or his lack of efficiency, the extra time taken by him to finish the minimum prescribed standard should be deducted from the total hours of overtime work put in, for purposes of calculation of overtime allowance. Thus, output below the standard should involve reduction of monetary compensation payable for overtime work over a period of month. In fact, the present system suffers from the defect that an official can with the permission of his superior take a few hours off for doing his private work and then sit late to finish his regular duties for which he can claim overtime. In Government offices where only routine types of duties are performed overtime working should be restricted to a maximum of two hours a day. This limit may be exceeded only in exceptional circumstances. The supervisory officer should be held responsible for proper management of over-time work. He should be required to ensure that the overtime expenditure is kept as low as possible. No over-stayal in offices for overtime work should be permitted except with the express permission from the supervising officer. The supervising officer should personally see that the overtime staff actually do the work entrusted to them.

7.4.5 For performance, within the time allowed, of work above the minimum standards where such

standards can be and are prescribed extra monetary compensation should be paid to the employee. This should be calculated on the basis of output over the month and the hourly rate should be the unit for determining the quantum of compensation.

7.4.6 For types of work for which minimum norms cannot be quantitatively laid down, no overtime working should, as a rule, be permitted. In cases of any unforeseen work which cannot be postponed, the head of the office or the supervising staff may be given discretionary powers to detain the employees for overtime work for which compensatory off by an equal amount of time may be given. If monetary payment is to be made, it should be at a fixed rate per day depending upon the pay range of the employee irrespective of the time taken provided the overtime work is for more than a minimum of half an hour in the day.

7.4.7 As is the practice at present no overtime allowance may be permissible to Government employees drawing pay above a certain level. The system of granting certain additional allowance for specified period such as budget allowance to employees for the budget work during the budget season etc. may be continued and may be adopted in other cases also where the increase in work is regular and seasonal.

7.4.8 The rules restrict the overtime working by laying down that for overtime work on a holiday

or Sunday, the employee should as far as possible be granted only a compensatory off. A ceiling on overtime payment that can be granted to an employee in a month has also been laid down. We recommend that in any one week overtime working should be limited to a maximum number of hours per week prescribed by each office after a careful study of the nature and quantum of work. It should not exceed one-fifth of the weekly working hours in a week.

7.4.9 Such Government servants who do not come under any overtime scheme and whose output has been noticeably below the standard are prone to corrective action by administrative rules.

RECOMMENDATIONS
FOR ACTION
(34)

7.4.10 We, therefore, recommend :

- (1) Standards of work should be evolved and output above the prescribed standards should be rewarded by additional monetary payments or other rewards. At the same time, output below the standard should involve reduction of monetary compensation payable for overtime work over a period of a month.
- (2) Overtime work should be permitted under the orders and done in the immediate presence of the supervisory staff.
- (3) Hourly rate of overtime payment should be prescribed only in cases where output could be measured. For other types of work overtime working should be compensated either at a fixed rate irrespective of the hours of work, or by grant of compensatory leave.

- (4) No staff should be brought on to work on holidays. In unavoidable cases compensatory leave for those brought on duty should be given.
- (5) A maximum limit for overtime work should be laid down in a week. It should not exceed normally one-fifth of the weekly working hours in a week.
- (6) Corrective action should be taken in respect of civil servants who do not come under any overtime scheme and whose output has been noticeably below the average.

INCENTIVE
SCHEMES
IN USE

7.5.1 There are at present three different incentive schemes in operation at the Centre.

Brief particulars of the schemes are given below:-

(1) In one of the Ministries a provision of a sum of Rs.3,000 per annum has been set apart for making case awards to those non-gazetted clerical staff whose performance has been adjudged to be superior or whose original ideas when put into practice will result in effecting appreciable economy and efficiency. The recommendations for making this award are made by the head of the division concerned and or considered by a Committee of senior officers. The reward is in the form of advance increments upto a maximum of two in the time scale of pay without cumulative effect and a citation. An entry of this is also made in the record of the recipient.

(2) A suggestion scheme open to all categories of staff has been in operation in all the Central Government Departments for the last three years. Suggestions for improvement in organisation or job methods and procedures, and for maintenance of integrity in administration etc. are eligible for awards. The awards may be by way of cash grant subject to a limit of Rs.1,500 or grant of advance increments in the time scale of pay, gifts of token value, merit certificates or letters of commendation. The grant of the award is also entered in the annual report of the recipient.

(3) A scheme of merit promotion and advance increments has been in existence for about 8 years in some of the scientific and technical services of the Government of India. Out of turn promotions are given to the persons who have made outstanding contributions. Such promotions are limited to one grade above the grade of the recipient. There are certain limitations on the total number of such promotions at any one time in a grade or in any one year. Where a suitable vacancy in the grade to which promotion has been made arises that vacancy is adjusted against the merit promotion. Advance increments are also granted to those deserving persons whose contribution is not considered so outstanding as to be given merit promotion. The number of advance increments is limited to a maximum of three and in the case of officers drawing salary over Rs.1,000 p.m. to two. There are also other restrictions in regard to the period during which advance increments can be granted to the same person and also in regard to the total strength of the persons that can be granted advance increments in any one year.

7.5.2 The awards are made on the recommendations of a high level board which includes some members from other departments.

7.5.3 These incentive schemes have not been very

effective in generating enthusiasm for better output. This is because of the absence of quantitative standards on which the assessment could be made, non-differentiation between overtime work and outstanding performance, the tendency to work the schemes more as a compensation for lack of adequate promotion opportunities, the very few number of awards made and the limitations imposed in the nature of the financial benefits, etc.

OUR SUGGESTIONS.

7.5.4 We consider that a more liberal attitude is necessary for recognising the good work for motivating the employee to good performance. The importance of financial incentives arises from the fact that they are negotiable with the staff associations, susceptible of measurement and immediately felt, and appeal to the widest range of seekers. Even in countries like the USSR scientists and engineers are normally remunerated at far higher rates, six to ten times the average industrial wage. A system of remuneration which provides for extra compensation for work above the prescribed norms acts as a powerful motivating factor for sustained high level of output. We suggest that the increments in a pay scale after the initial five steps may be made biennial only for the below average employees. For the employees whose performance is upto the prescribed standard the increments

may be sanctioned annually. Thus, an accelerated rate of payment for the capable staff can be devised without heavy expenditure. We also suggest that one per cent of the estimated budget on salaries and allowances of an office should be earmarked for grant of incentive awards to staff. The provisions in the rules for the grant of honoraria for occasional work of special merit; grant of advance increments, cumulative or non-cumulative, for grant of such awards should be fully utilised. At present a good bit of the budgeted amount remains unspent and is allowed to lapse. The recommendations for making the awards should be made by a Committee consisting among the others the Head of the office.

7.5.5 Merit and commendatory certificates may be freely awarded for exceptional work, as is the practice in the Customs & Excise Departments. Mention of any outstanding contribution made by Government servants may be made in circulars, gazettes, house magazines, etc., where monetary award is not possible. Citations and grant of certain awards, apart from the awards like Padma Shri, Padma Bhushan, etc. may be introduced. In the Defence Services, this system of granting awards like Ashok Chakra etc. is working satisfactorily. There should be a system of grant of medals like

the Police Medal to those who have done exemplary work or made substantial contribution to the improvement of the working of the organisation and administrative efficiency. The awards of some medals may carry with them a financial benefit which may be of an enduring nature, such as grant of a fixed allowance in addition to the salary etc. There should be no distinction made in regard to the grade or rank of the employee concerned in the matter of grant of such medals.

RECOMMENDATIONS 7.5.6
FOR ACTION
(35)

We recommend that :

- (1) Budget provision for making financial awards under incentive schemes may be made at a minimum rate of one per cent of the provision under salaries and allowances.
- (2) The system of grant of commendatory certificates, honorary titles, medals, etc. to civil servants in recognition of outstanding or exemplary performance of duties may be enlarged. Some of these awards may carry with them certain financial benefits, such as a fixed monthly allowance or a payment of a lump sum.
- (3) Advance increments, cumulative or non-cumulative, may be granted in recognition of meritorious performance.

GROUP
INCENTIVES

7.6.1 There is considerable scope for keeping up the enthusiasm of groups of workers by means of incentives which are shared by all workers in the group. Group incentives are especially suited to project jobs and jobs which are set against target dates. If a group of workers engaged in a project job complete their work in time and satisfactorily, all the workers in the group should be paid ex-gratia payments which may have a fixed relation to their salaries. For instance, the incentive may be in the form of a bonus which in a difficult job may be equal to one or two month's pay, or, in lieu, additional leave for a month or two. Smaller jobs entrusted to a small compact group of workers could also be rewarded in a similar manner. As development projects have often had the ill luck of being delayed beyond target dates, it is even worth-while including in their budgets a half percent or so of the entire budget of the project for group rewards in the shape of bonuses or advance increments etc. The fact that such a budget provision has been made should be made known widely to the workers.

7.6.2 A group which does well enough to win a reward should be given another project straightaway. This will be an example for men on other project jobs to emulate. Like crack troops of selected

combatants who are maintained for specially hazardous tasks, it may even be possible for Government to maintain a couple of crack teams of civil servants to be engaged in difficult programmed jobs. Appointment to a vacancy in such a crack team would itself in due course be looked upon as a reward by a civil servant.

7.6.3 Another sphere where only group incentives can work is in the direction of effecting economies in office expenditure. Only sustained collective effort can help bringing in these economies. We have elsewhere referred to the economies that can be brought in the use of electricity, water and stationery etc. If a group of workers as a whole take into their hands to effect economies in the use of the various items of stationery or in the use of electric lights and fans, the resulting economy can run into lakhs and lakhs of rupees. Economies so effected can be measured in terms of money by comparing with the figures of expenditure for a reference year such as 1962 or 1963 when no such economies were being practised.

To maintain continuing interest in group effort, it may be worthwhile starting a welfare fund in each office or department and to pay part of the monetary awards into this fund. The fund should be used for welfare activities of the group.

savings effected in consumption of electricity, water, stationery could mostly go into such funds. The growing funds may be given publicity so as to introduce an element of healthy competition between offices and departments.

7.6.4 We have suggested that cash awards or an advance increment or two should be given to civil servants who give valuable ideas of simplifying work which are accepted by Government. A sense of group participation could be given to this method of rewarding by giving a cash award in a suitable shape to the group as a whole and not merely to the individual in the group who has given the new idea. In a cricket team the individual's performance stands by itself. But the whole team benefits from the individual's performance. At the same time it cannot be said that the individual's performance is not influenced or motivated by the prevailing team spirit around him. There is reason therefore in our suggestion that a part of the cash award set apart for an invention or for a gadget or for a new form or procedure should be given to the whole group. This will make the individual feel more intensively that he works for himself as well as for the group. The cash award to the group may again go to the group welfare fund. If an award for an invention

etc. is given only to the individual it may in fact have an adverse effect from the group's point of view. The individual would tend to work secretively without taking into confidence his environment and his group-mates. The group incentive aspect should, therefore, be given a most favourable consideration.

RECOMMENDATIONS
FOR ACTION
(36)

7.6.5. We recommend as follows :

- (1) Incentives to a group of employees especially those engaged on developmental projects may be granted if the projects are completed substantially before the scheduled date. Such incentives may be in the shape of a grant of bonus of one or two months' pay. Special provision may be made in the budget as a small percentage of the total capital cost of the project.
- (2) Economies effected by concerted effort on the part of a group of workers may be earmarked for being spent on some welfare amenities for the staff.

REGULARITY IN
ATTENDANCE ETC.

7.7.1 Regular and punctual attendance of an employee over a long period may be recognised by grant of a token gift like a pen, timepiece etc. to the employee at the end of the period. Frequent late attendance should be curbed by punishment such as imposition of fine, etc. The system of forfeiture of a day's casual leave if an employee comes late to office without permission on three days in a month should be strictly followed. The rule regarding absence without leave or notice should be that the employee's pay for the day should be deducted.

RECOMMENDATION
FOR ACTION
(37)

7.7.2 We recommend that punctual attendance over a long period of time may be recognised by grant of a token gift, such as a pen, timepiece, etc. Similarly, frequent late attendance should be curbed by punishment such as imposition of fine, loss of pay etc.

KNOWLEDGE
OF RULES AND
REGULATIONS

7.8.1 As the rules and procedures are being constantly changed it is necessary that the Government servants exert themselves to be up-to-date in their knowledge of rules and regulations. In order to ensure this, they should be regularly examined say at the interval of 3 years or so and a certain percentage of those who pass that examination should be granted advance increments. The employee who with the permission of the Head of the Office equips himself with certain additional qualifications in certain special items of work relating to his official duties may also be granted advance increments. In the departmental competitive examination held for promotion of the departmental employees, those who get a high rank in the examination but who do not come within the promotion zone for lack of vacancies should be encouraged by grant of some advance increments. These persons could also be considered for deputation vacancies which carry additional allowances.

RECOMMENDATION 7.8.2
FOR ACTION
(33)

We recommend that civil servants who pass the departmental examinations with merit may be granted advance increments. They can also be considered for deputation vacancies carrying additional allowances.

7.9.1 Interest in work should be created even during the probation period by providing for:

- (a) stipends,
- (b) training allowance/probation allowance,
- (c) advance increments on successful completion of probation, or after passing test, or after training,
- (d) cash awards for meritorious performance in the tests during probation.

We shall illustrate by taking the case of clerks and typists. Those who at the end of their probation show high skill in their trades (e.g. a typist showing an accurate typing speed of 50 or more words per minute as against 30 required) may be given advance increments in their scale of pay.

Such persons should also be earmarked for training in advanced courses in their own line at Government expense, e.g., a promising typist should be given training in stenography in the Secretariat Training School.

7.9.2 We recommend that encouragement may be given to the staff to acquire special skills, by institution of prizes, cash awards, grant of advance increments, etc.

INCENTIVES
DURING
INITIAL
RECRUITMENT
AND PROBATION

RECOMMENDATION FOR
ACTION
(39)

HOLIDAYS

7.10.1 We have too many holidays. The prevalence of too many holidays spoils the mood for work in Government offices. The officials take casual leave in continuation of these holidays and the work in offices gets dislocated as no proper arrangement can be made for absence on casual leave. This is also one of the causes for overtime working. And we add to these holidays whenever any one of importance departs from the scene. We have more holidays than possibly any other country in the world. The tendency is towards further 'proliferation' of these days. There is the Children's Day and this we suppose could be followed by Teachers' Day, and other Days bearing some similarity somewhere to the Days now in force.

We can pay respects to all our illustrious leaders by following only one day as the Martyrs' Day or the Founders' Day. Perhaps the latter name will be more appropriate for those who led us to our freedom. We may observe 2nd October as the Day of the Father of the Nation and just one more Day - could be 1st August which is now Tilak Day - as the Founders' Day. This will be like the All Saints' Day in England.

No holidays should be declared on account of the passing away of any personality howsoever great. Such occasions are best observed by prayer

meetings by way of remembrance. But work should not be suspended except to the extent needed for such prayer meetings.

We observe both 15th August and 26th January as paid holidays. Perhaps we can convert 15th August as a working day with a bonus of 25 per cent of the day's salary for working. We know a factory where workers willingly worked on 15th August and even on 26th January as the employers paid them 25 per cent extra for work on those days. It is quite honourable to work on such days. We should also reduce the number of religious holidays from the present number to a maximum of seven days (three for Hindus, one each for Muslims, Sikhs, Christians and Buddhists).

After holidays are so restricted to the barest minimum, it may be desirable to have every second and fourth Saturdays as holidays instead of only the second Saturday in the month as at present. This will not only give the required long break to civil servants, but also give them time to attend to the more time-consuming problems in their homes. The Second Pay Commission had, in fact, recommended that all alternate Saturdays should be observed as holidays.

- 7.10.2 We recommend that holidays should be restricted to the barest minimum. The system of declaring one day only as holiday as the Martyrs' Day or the Founder's Day instead of a number of days in honour of the memory of different persons should be introduced. The number of religious holidays may be reduced to a maximum of seven days, three for Hindus and one each for Muslims, Sikhs, Christians and Buddhists. For all religious or other important days the persons concerned may be asked to take leave. Every second and fourth Saturday in the month may be declared as a holiday, after the reduction in the number of holidays.
- RECOMMEND-
ATION FOR
ACTION
(40)

SPECIAL
STUDY TO
BE MADE.

7.11.1 The subject of incentives as a factor in work motivation is highly specialised and technical. It should therefore be studied by experts department by department. The services of such institutions as the Indian Institute of Public Administration, the Indian Institute of Management, etc. should be utilised from time to time to make detailed study of this question and Government should consider adoption of the results of such studies, for achieving a high level of productivity and efficiency in the public services. Thus, it will be possible to put into practice meaningful and practical schemes of incentives.

RECOMMENDATION
FOR ACTION
(41)

7.11.2 We recommend that a systematic study of the question of provision of incentives in each department should be undertaken by Government in cooperation with such Institutions like the Indian Institute of Public Administration, the Indian Institute of Management etc.

7.12.1 We have referred to merit promotion as one of the positive incentives for creation of sustained interest in work. Selection of persons for promotion on the basis of merit requires an assessment of the performance of the employees in their assignments and has to be done very meticulously to maintain the confidence of the employees in the fairness of the assessment.

7.12.2 The comparative merits of civil servants are judged on the basis of their past performance. For this purpose annual evaluation reports are written up for each employee by his immediate superior and countersigned by the authority immediately superior to the reporting officer. The performance report is designed for providing information about the employee's qualifications, ability, performance, integrity, capacity for future growth and traits for leadership, judgement, initiative, resourcefulness and cooperation. Further, it contains a column in which the countersigning officer categorises an employee as 'outstanding', 'very good', 'good', 'fair', or 'poor'. The Departmental Promotion Committee or the selecting authorities for promotion examine the files containing these annual reports and classify them in groups in the order 'outstanding', 'very good', and 'good'

ANNUAL EVALUA-
TION REPORTS

after excluding those considered not fit for promotion. Under each group the names of the selected persons are arranged without disturbing their inter-se seniority. Generally, the zone for selection of candidates for promotion extends to five or six times the number of vacancies expected to arise during the course of the year. The promotions are made from this list in the order of the names arranged. The selection list is reviewed each year and if during the course of the year the official who is promoted does not earn a good report his name may be removed from the list.

CRITICISM

7.12.3 Dissatisfaction in regard to the way these reports are written is universal. While there is agreement that annual evaluation reports cannot altogether be dispensed with, we could not come across a single quarter where there was no apprehension regarding the present methods of writing these reports.

Governments have issued a number instructions in regard to the manner of writing these reports. The need for making these reports objective and fair has been recognised; but unfortunately hitherto no studied attempt has been made to tackle the problem at its root. The result is the increasing clamour for promotions by seniority which is not amenable to manipulation instead of by merits as

assessed by the evaluation reports. Senior Class I officers have complained to us that the improper way in which these reports get written up amounts to a negation of the spirit of provisions in Art.311 of the Constitution which protects Civil servants from unjust demotions, etc.

There are many reasons for the undependability of the evaluation reports. Officers are afraid of making the correct assessment for fear of offending influential supporters of the officers under report. In one State we were given to understand that Ministers often sent for the evaluation reports of particular Civil Servants and sometimes, even made their own entries in them. Even where such extraneous influences are not there, the confidential reports suffer from bias occasioned by parochial, communal or other subjective feelings of the officers writing them. The reports are written by the officers when sitting in the isolation of their rooms and it is then that these parochial and other feelings tend to come to the surface. Further, the reports are all written in a great hurry because the present practice is for writing them all in the last week or fortnight every year. Even a fair-minded officer finds little time to do justice to the officers under him; he scribbles a few lines in each officer's file and is glad at the end to have been rid of a drudgery. Finally, the standards of reporting vary from officer to officer.

Many reporting officers just make formal, insipid entries in the confidential reports, because they do not want an increase in their work or face the possibility of submitting explanations of their own when the reports are challenged before the higher authorities as being unfair.

Yet, in the administration of the civil services which are by their nature widely spread over all urban and rural areas, the system of assessing merit by confidential reports cannot be dispensed with. It must be there; each confidential report is a brick in the administrative structure of the future. If these bricks are weak, the administrative structure will crumble altogether. There is force in the argument that a system in which the reports are written indifferently militates against the spirit of the provisions in Art. 311.

Elaborate procedures will, therefore, be necessary in place of the present summary procedures for the writing up of these reports. Work may increase, but there can be no room for complaints that work has increased, so long as the objective of making these reports truly useful is not achieved.

7.12.4 We have given deep thought to the methods to be employed for obtaining an objective assessment of the work of the Civil servants. We find that the number and types of forms now in use are a legion.

This multiplicity contributes in part to the difficulty of properly assessing the work of the officers. It is not possible or desirable to prescribe one form for all Civil servants. But at the same time there is a strong case for considerably reducing the existing number of forms and for making all these forms conform to one pattern of reporting.

We have examined a number of forms in use in offices in India as well as abroad. We have also seen forms in use in private sector units, such as, the Tatas, Hindustan Lever, etc. We feel that there are many ideas we can take from the practice in Canada and U.S.A. Reducing the form to the graphic type (as in Canada and U.S.A.) is most essential, as the answers to set questions bring in a great deal of uniformity in reporting. Besides, the manner of answering, that is, by ticking or checking in the box type column provided, saves a lot of time of the reporting officers; he has only to put the '✓' and 'X' marks in the relevant places in the form and does not have to spend much time in writing long sentences. The drudgery part of writing the reports is thus saved.

We give in Annexure IX, forms for performance evaluation report which we suggest for all

civil servants (at the Centre and in the States), one for Grade 5 and above and the other for Grades I to 4 shown in our 12-pay-scales scheme in paragraph 4.2.1. Both these forms contain two parts: one, the graphic with set questions, and the other, the narrative, in which the reporting officer (1) discusses, with concrete examples wherever possible, why the rating given against the various factors in the graphic part is high or low; and (2) adds any other point relevant to the particular officer, such as, any medical problem which may affect his performance.

For the Civil servants of grades 5 and above we have in addition suggested a potential appraisal report in the form in Annexure X.

The performance evaluation report should be shown to the rated officer. He should be asked to sign the report in token of having seen the report. If the officer refuses to sign, the fact shall be noted accordingly by the reporting officer. The potential appraisal report may contain reference to security matters which it may not be desirable at all to communicate to the officer under report, or it may contain reference to the habits, conduct and suitability for better jobs which may be communicated to the officer but only orally, when it is necessary to do so from the point of view of improving the out-turn or efficiency of the officer. Consequently, any of the

points in this potential appraisal report may, however, be mentioned to him orally, and any adverse remarks should, when desirable and possible, be communicated to him in writing and his acknowledgment therefor should be obtained and kept on record.

7.12.5 We recommend the following procedure for writing the reports:-

STEPS FOR
WRITING
THE REPORT.

- (1) Each Civil Servant should submit a brief report of about 300 words in his own words of the work done by him stating any special difficulties or other factors which came in his way. He should do this at the end of each year and submit it to his immediate officer who will assess his performance. This report will be attached with his performance evaluation report. A verbose report will be returned to the officer for re-submission in prescribed length. If this is not complied with the report will not be accepted. This is at present done to a limited extent in the Case of Income Tax Officers). The Rajasthan Administrative Reforms Committee (Chairman, Shri H.C. Mathur) has also recommended this.
- (2) The performance evaluation report should be written both in the graphic as well as in the narrative form prescribed. Against each factor, no box should be left blank. Those factors which are not applicable should be specifically marked as 'not applicable'. A tick mark '✓' should be made in the box which most nearly applies. If any factor is not adequately observed, a suitable remark should be made.
- (3) In view of the heavy work load involved in writing of the reports, the work should be staggered and may be spread over a period of 6 to 8 weeks in the year.

- (4) A group of 3 officers should be associated with the writing of the report, viz., (a) the immediate superior (the reporting officer), (b) the next higher authority (the reviewing officer), and (c) a senior representative of the Personnel Branch. The representative of the Personnel Branch should always be of a higher grade than that of the officer reported upon.
- (5) The immediate superior should first write the report and take it to the reviewing officer for discussion. The senior representative of the Personnel Branch should be associated with the discussion.
- (6) The role of the representative of the Personnel Branch is only to ensure the application of appropriate and equitable standards. He is not to comment on the work of the official rated. When the reporting officer has completed the report including any adjustments he may want to make as a result of the discussion with the reviewing officer and the representative of the personnel branch, the reviewing officer should comment on the work of the employee to the extent of his own observation and the extent to which he concurs with the reporting officer's report and to explain any differences. The reviewing officer should countersign the report. The employee concerned would then be called and the report shown to him. Any change in the report to be made in the report thereafter should be recorded in the report under the signature of the reporting officer and countersigned by the reviewing officer. The employee's signature will also be taken on the report in token of his having seen the report and he should be supplied with a copy.
- (7) Where it is not possible to adopt the procedure, because of the three

officers concerned not being in the same station, a special meeting of these three officers should be arranged for this purpose at the station most convenient to them all.

- (8) If the official reported upon is not in the same station, the report should be shown by the reporting officer to the official at the first opportunity when these two meet and the copy of the report would also be supplied to the official. This report should then be forwarded to the reviewing officer for making arrangements for custody.

7.12.6 In the potential appraisal report, the same procedure would be followed. But in this case, only the two officers, namely, the reporting officer and the reviewing officer would be associated. The purpose of this report is to indicate the officer's capacity for growth of his leadership qualities, his ability to assume higher level responsibility and any additional relevant factors, such as, habits, conduct, suitability, etc., which might limit or advance his career. This evaluation must be correlated with his performance evaluation report.

7.12.7 In many cases, the Heads of Departments or the senior officers in the Department have no occasion to know personally the work of the persons working in the Department, even at the middle supervisory level, and all they came to know of their work is through their performance evaluation report. We suggest that in order to eliminate

this deficiency in personnel administration, in each year 20 per cent of the supervisory staff should by turn be interviewed individually for about 15 minutes by a high level Committee consisting of the Reporting, Reviewing and Personnel Officers during which they will have a discussion about the work of the official and a brief note of the discussion should be kept in the file containing evaluation reports.

7.12.8 The reporting officer should not refer to or have occasion to see at the time of writing the report, any report of the previous years of the employee.

5.12.9 A uniform procedure for writing of the appraisal remarks on the work of officers by political executives should be evolved in the States and the Centre. They may write such reports only about the personal staff working directly under them. They may also give their remarks about such of the high officers working directly under them on such occasions when they specifically want to make the remarks or when they demit office.

7.12.10 The employee will, if he wishes to do so, be given one chance to send a representation against the remarks in the report, addressed to the authority superior to the reviewing authority. If the reviewing officer is himself the head of the department, it will go to the next higher authority.

CONFIDENTIAL
REPORTS
BY DEPUTY
COMMISSIONER

7.12.11 The procedure outlined in the preceding paragraphs is only for recording of assessment reports by departmental officers. It is now necessary to deal with the practice prevailing all over the country of Deputy Commissioners writing

confidential reports on fellow officers of other Departments in the district such as the Superintendent of Police, the Civil Surgeon, the Executive Engineer and so on. Some resentment has been expressed in regard to this practice, especially because Deputy Commissioners are not competent to assess the professional work of civil servants in other Departments. But we feel that this practice has its own merits and that it is both necessary and possible to fit it in, though in a smaller measure, into the scheme recommended by us. The Deputy Commissioner should be considered as writing his confidential reports not in any capacity as a superior officer or a monitor of all people working in his district, but as a referee rather in the manner of an umpire in a game of cricket or hockey. With Government far away in the Secretariat and with developmental schemes in the field requiring much coordination of work, it is the coordinating authority who as a neutral observer can send notes to Government on the state of affairs in the district. From this point of view, it is most essential that this practice of Deputy Commissioners writing confidential reports on officers of the other Departments should be continued.

As the Deputy Commissioner is not competent to assess professional performance, government should not expect him to write anything in Section I of the Assessment Report. He should only write in Section II

which provides for a narrative form of assessment of some aspects of the work of the District Officers. This report in narrative form should be sent by him direct to the officer who initiates the assessment report on the District Officer concerned.

SAFE CUSTODY
OF EVALUATION
REPORTS

7.12.12 The safe custody of the annual report has become very important. The mislacing of the reports or its temporary non-availability during a selection will make all the difference to an employee. Hence instruction for the proper custody of the report should be issued by the Central Personnel Agency to all Ministries, Departments, etc. The instructions should include directions for scrutinising the reports by the authority concerned to ensure that the correct form has been used and that the instructions for writing report have been followed.

CATEGORISA-
TION AS
'OUTSTANDING'
ETC.

7.12.13 The present system of selection for promotion on the basis of the classifications under the categories 'outstanding', 'very good', and 'good', has caused a lot of heart-burning among the employees. While it is necessary that outstanding performance should be suitably rewarded, the difficulties in the way of an assessment of the work of an official as 'outstanding' make the whole system of grant of such accelerated promotion suspect in the eyes of the officials, whose work is not categorised as outstanding. The refinements we have

suggested in the writing of the report will bring about observance of a certain amount of uniformity in the standards of judgment. We have retained even now five categories against the various factors to be commented upon in the report. The overall evaluation of the report should be done only at the time when the officials are considered for promotion by the Departmental Promotion Committee or the prescribed selection authority. This should be into three categories - (1) unfit for promotion; (2) fit for promotion; and (3) outstanding. On the basis of statistical average we feel that persons of outstanding calibre will not be as large as one finds at present categorised in the evaluation reports and that it is unrealistic to expect that more than about 5 per cent of persons would be outstanding. We, therefore, feel that when promotions are taken up for consideration the Departmental Promotion Committee or the selection authorities should classify not more than 5% of the officials as outstanding out of the number of persons considered. The number of persons to be considered will be five to six times the number of vacancies to be filled up. This procedure will serve as real incentive to those who are really outstanding and at the same time will also not lead to large number of supersessions and lowering of the morale as a whole.

RECOMMENDATION 7.12.14
FOR ACTION
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We, therefore, recommend as follows:

- (1) Each civil servant should submit a brief report in his own words on the work done by him. He may mention any difficulties or other factors which came in his way. This report should be taken into account in the appraisal of his work and will be attached to his performance evaluation report.
- (2) The performance evaluation report should be written in two parts: one in the graphic, and the other in the narrative form, as prescribed by us.
- (3) Three officers should be associated with the writing of the report :
(a) the immediate superior officer (the reporting officer), (b) the next higher authority (the reviewing officer), and (c) a senior representative of the Personnel Branch who should be a higher grade than that of the officer reported upon.
- (4) Immediately after the report is written, it should be shown to the employee, and his signature obtained in it in token of compliance with this procedure.
- (5) For certain categories of officers a potential appraisal report in the form prescribed by us should also be maintained.
- (6) Twenty percent of the supervisory staff should by turn be interviewed individually each year by a Committee consisting of the Reporting, Reviewing and Personnel Officers during which the work of the official should be discussed and a brief note of the discussion should be kept in the file containing the evaluation reports.
- (7) A political executive should be required to write the annual report of only his personal staff. In respect of other high officers working directly under him he may give his remarks on such occasions when he specifically wants to make the remarks or when he demits office.

- (8) The employee should be given the right to make a representation against the remarks made in his annual report.
- (9) The Deputy Commissioner who is required to give a general report on the other officers not working directly under him should send his remarks to the reporting officer concerned.
- (10) The instructions for safe custody of the reports should be issued by the Central Personnel Agency.
- (11) The overall evaluation of the report should be made by the departmental promotion committee or the concerned authority only into three categories: 'unfit for promotion', 'fit for promotion' or 'outstanding'.

CHAPTER VIII

WELFARE SCHEMES AND RETIREMENT BENEFITS

CHAPTER VIII

WELFARE SCHEMES AND RETIREMENT BENEFITS

WELFARE

8.1.1. Welfare matters have received a lot of attention, but in a diffused manner. The result is that only the fringe of the problem has been tackled.

If, on the one hand, we desire that discipline should be enforced - rigorously if and when necessary - and that inefficiency should be at a discount, we should, on the other hand, attend to welfare matters in a large way, hitherto undreamt of. Whatever the odds against, these matters must be taken in hand forthwith.

Action hitherto taken has been meagre because :

- (1) even with avowed socialist objectives there has not been adequate appreciation of this problem;
- (2) the field is so vast as to be baffling;
- (3) the problem has a dominant social aspect, and may sometimes demand 'regimentation' methods of solution;

and (4) funds can never be adequate for even one item, e.g., housing, demanding a frightening share of the resources of the nation.

When civil servants go on strike, it is true, they hold the suffering public to ransom. Farmers, millions of them cannot go on strike. They have to take what weather and their environment give them. If civil servants make a mess of agricultural policies, delay fertilizer projects, the people have to face starvation in silence. Similar is the fate of

millions of petty shop-keepers, craftsmen and professional men. It is callousness, no doubt, for the civil servants to desert their posts of duty and adopt measures amounting to extortion. This tendency has to be put down with a firm hand. But the other side should not be forgotten. That there is this other side has not been fully understood by the average citizen. Our leaders have, however, deep down in their minds, a vague apprehension of this other side; and this is responsible for the bitter contrast provided by the rigorousness of a rule of conduct and the pathetic inability to enforce the same.

If the civil servant keeps the most important machinery of Government alive - and therefore the average citizen alive - the citizen should give him in return a sense of well-being. If the problem is put to him this way, he will find it hard to demur. But at the moment, the citizen is passive; the Government too pre-occupied and the nation, as ever, lacking in funds, with the result that the civil servant outside his office is at the mercy of the bad elements in society.

As soon as dearness allowance is raised, clerks living as tenants get notices from their landlords either to quit or to pay a higher rent which absorbs most of the increase in the dearness allowance. In a less direct way, prices of commodities chase every order passed by the Government to increase an allowance of the civil servant. This vicious circle has to be tackled by Government in a big way. A big way does not necessarily mean heavy financing which is out of the question. But it does

mean some finance plus rigorous methods to put down the cupidity of the exploiting sections in society. We should adopt these measures not because an ideology favours them, but solely because our conditions demand them. We can cite certain steps taken under the British rule as precedents for this logic :

(1) When agricultural holdings became terribly fragmented, the Government came up towards the close of the 19th century with the Consolidation of Holdings Act under which if 50 per cent. or more people in a village agreed, the holdings in the entire village could be taken up for consolidation compulsorily.

(2) When doubts became too burdensome to the farmers, the Usurious Loans Act was introduced. When the position became worse, Government went in a large way - in the 1930's - for Debt 'Conciliation' by summary procedures loaded heavily in favour of the farmer. More such instances can be given, but it is not necessary.

8.1.2. A lot of welfare work is no doubt being done now. But this is in many ways spasmodic, often depending on the initiative of particular officers and not as the outcome of a comprehensive policy. Where such initiative is lacking, the work done is not impressive. We have come across Welfare Officers who are only designated as such, but who do practically nothing by way of welfare work, as they have neither the time for

the same, nor the finance or other sanctions to assist them. Welfare work can, in fact, provide an adequate answer to the ever-growing demand for increase in pay or dearness and other allowances.

In the Central Secretariat at Delhi, as also in the Railways and in the P&T Department, substantial welfare work is being done. The same should now be done for civil servants in all other departments.

Welfare measures for the civil servants should be discussed and planned in this context.

8.1.3. We recommend that welfare schemes for the employees should receive special attention under the guidance of trained officers, as has been done to a certain extent in the Central Secretariat, the Railways and the Posts and Telegraphs and in the Defence Forces.

RECOMMENDA-
TION FOR
ACTION
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HOUSING
ACCOMMO-
DATION.

8.2.1. We take the most difficult subject, housing accommodation, first. This can never be solved by finance. Cooperative housing units, Government quarters, grant of house building advances touch only the fringe of the problem. All these should be there no doubt - these measures cannot be abandoned. But drastic measures such as those below may also be considered.

(i) The first is freezing of rents of quarters occupied by civil servants of upper middle, middle and lower grades and scaling them down to levels prevailing in a year of reference selected after a careful survey of the upward movement of rents and of the costs of buildings. This, however, gets linked up with freezing of prices and brake on dearness and other allowances. With regard to prices and rents we have a situation now similar to the indebtedness of farmers in the 1930's when Debt Conciliation courts were established to scale down debts even if contracts did not provide for the same. Drastic legislation for wage and price freezing is inevitable now.

(ii) Exchange of quarters in the manner of consolidation of holdings may be done. A survey has shown in Bangalore that hundreds of clerks going from the south-end to offices in the north would gladly exchange houses of about equal utility with hundreds of clerks going from the north-end to offices in the south.

This exchange will further ease traffic, specially, bus traffic, the expenditure on upkeep of bicycles, and the time and fatigue of long journeys. This is a job which no private agency can undertake. Only Government can.

The scheme could be extended to upper class tenants willing to join. The gain to the nation in petrol bills, etc. is too big to be spurned.

(iii) Low-cost houses on ownership basis can be built for the staff. Mud-huts are not to be despised because they look different from the brick and concrete houses. Even mud-huts can be constructed to look attractive. The best of such examples was Mahatma Gandhi's hut in Sevagram. The mud can be made vermin and white-ant proof by prior treatment with pesticidal chemicals. These mud-huts (of the type we have seen constructed by managements of small industrial units) look decent, are comfortable and cost about Rs.8/- per square foot. Nothing else can be cheaper and yet suitable.

(iv) Shifting of Government departments and offices to suburban areas and other towns where housing needs to be encouraged as a business and where housing is cheaper and available. Such dispersal of offices and departments is possible in these days when freer use of telephones, teleprinters and modern tele-communication facilities can be made available between one office and another.

(v) Construction of multi-storeyed blocks of flats in areas nearer to the heart of the city can be undertaken. The best example we have come across of

this type of housing is the seven-storeyed (8-floored) blocks of flats in Ramakrishnapuram in New Delhi.

(vi) Hostels, especially for unmarried civil servants may be provided. Such quarters could be allotted also to officers who are temporary or whose tenures in a given town or city are short. In Kerala unmarried non-gazetted civil servants have partially solved their board and lodging problems by organising hostels for themselves in hired buildings. In Trivandrum there are hostels for men as well as for women. A person when he gets married, vacates the room which is then allotted to the next unmarried person on the waiting list. As expenses are shared, the non-gazetted officers find that they can live comfortably on very moderate budgets. Governments should encourage such hostels, especially for unmarried civil servants.

(vii) Transit and camp accommodations may be arranged for short stay.

(viii) The rules relating to allotment of government accommodation should not be changed frequently. The rule should provide for allotment of appropriate type of Government accommodation on the basis of his date of first appointment to Government service irrespective of the rate on which he reached the pay scale for that type. The procedure of allotment of the next below type house should also be revised. In this way, an employee will at least be sure of getting some accommodation in the course of his service. This will also put an end to the present

practice of temporary persons and persons appointed on ad hoc basis getting preference over permanent and senior staff in the matter of allotment of houses.

(ix) Decentralisation of the collection of rent for government accommodation should be adopted, so that each Ministry or Department may keep the rent accounts, instead of, as at present, in a centralised office; and so that the 'no demand certificates' can be issued without the inordinate delay now experienced. This will save a lot of routine work also.

(x) Housing colonies for civil servants are perhaps better constructed not on the growing perimeters of large cities, but far enough from the municipal limits. This has many advantages and few disadvantages. A study of housing in Bangalore will make this clear. The Trust Board there is building houses in perimeter sites already six miles from the city offices. Land values in these sites are about Rs.30/- per square yard, i.e., about Rs.1,50,000/- per acre. But outside the Bangalore Corporation limits, on the eighth mile of the same road land values are around Rs.8,000/- per acre. With conversion and betterment charges, this may go up at the most to Rs.10,000/-.

Building materials on the eighth-ninth mile in Bangalore are 30 per cent. cheaper because of the smaller lead required. Walls of red earth (available in plenty in Bangalore and suitable for building) treated with pesticidal chemicals - or even walls of second class bricks (which are all right for single floor houses) plastered with mortar will bring costs lower.

Contractors do not relish these ideas because their profits would then be less and also because working in cement is so much easier. And unfortunately Government building work is in the grip of these contractors and the rule-and-tradition minded people in the P.W.D.

As a concession to such colonies, no conversion charges need be levied. But, in return, the colony should undertake to maintain a vegetable patch (and possibly poultry) on a self-sufficiency basis. The advantages are many, both in terms of comfort and money :

- (1) In the city there will be less congestion; lowered land values; less strain on traffic and on the other municipal resources; etc.
- (2) Because of lower costs of land and building materials the average cost of building will be of the order of Rs.8/- to Rs.9/- per square foot; and on a non-profit basis, Government may afford to let out a 2,000 square feet plot with a 500 square feet house on a rent of Rs.25/- per month on the basis of a five per cent return plus 'annual repair' costs at two per cent.

The disadvantage of longer distance is not so much as it appears to be at first sight when we see even to-day hundreds of buses owned by Hindustan Aircraft, Hindustan Machine Tools and many other public sector undertakings rushing along the city roads (causing much avoidable traffic congestion) and taking thousands of workers daily from city dwellings to factories seven or more miles from the city, - just the opposite of what we should now have in the national interest.

If half the area in such colonies is allowed to be let out on fair, not usurious, rents to people

on a colony as a whole may go up to a net six per cent and even private building companies may come forward to take up the work of establishing the colonies.

(xi) Last, but not least, we come to the tragic feature of buildings left half complete after expenditure of crores of rupees. These are vacant while pressure for housing keeps on mounting. We can point out the following as most glaring instances :

(a) In Delhi, in Ramakrishnapuram, there are about a couple of thousand quarters complete except for water tap and drainage connections. Crores of rupees have been spent and yet the buildings have been unoccupied for years. They are in a condition even now fit for occupation at a pinch. This is right under the nose of the Union Ministry concerned. A newspaper article recently made a special mention of these houses and estimated the loss in rents to the Union Government at Rs.2 lakhs monthly; yet, these buildings have become a blind spot and they are in fact becoming subject to fast depreciation for want of adequate attention.

(b) In Bangalore there are two huge blocks of flats in Jayanagar extension. These are complete in every respect and can be allotted to about 50 families of class III officers. But some silly dispute with the Corporation or something like that has converted these buildings into another blind spot.

(c) In Kolar, a district place in Mysore State, about 40 quarters are complete but have been vacant for a long time on account of an unsolved dispute with the municipal authorities.

There may be many such instances. Governments concerned should take special measures for early completion and allotment of all these vacant quarters. Legal matters may continue to remain pending, but these should not come in the way of immediate completion and allotment of these quarters. If finances come in the ways loans should be raised earmarked for these building projects.

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8.2.2. We recommend as follows :

- (1) There should be a policy of freezing of rents of houses along with freezing of prices of essential commodities and wages of the staff, so that the real income of the employee is not eroded by inflation.
- (2) Allotment of houses to Government employees should be made in such a way that the employees are housed in the neighbourhood or not far from their offices.
- (3) Legislation on the lines of the law for consolidation of land holdings may be considered, to enable exchange of accommodation on a large-scale among the employees in a manner which will result in their living in the neighbourhood of or not far from their offices.
- (4) In order to reduce the cost of construction and therefore to keep rents low, housing colonies for Government servants may be developed on sites outside or near the perimeter of the city where land and building materials would be cheap. Less expensive, but at the same time, durable building materials should be used for construction, such as the use of mortar or cheap bonding materials such as pesticide-treated clay, instead of cement, etc.
- (5) Existing measures for easing the position of housing accommodation by construction of houses through cooperative housing societies, grant of loans from L.I.C. and duly recognised financial institutions, allotment of land at reasonable

- (6) To avoid over-crowding and consequent problems of transport, high rents, etc., Government offices should be dispersed and located in suburban areas and even in smaller towns.
- (7) Construction of multi-storeyed blocks of flats should be the rule in cities and bigger towns.
- (8) Rules for allotment of Government accommodation should enable allotment to the employee on the basis of his first appointment as civil servant, irrespective of the date on which he has become eligible for getting the appropriate type of Government accommodation.
- (9) The procedure for collection of rent for Government accommodation should be decentralised.
- (10) The time taken for completion of the construction of Government houses and making them ready for allotment should be reduced by proper and effective co-ordination among the various authorities concerned. Cases of inordinate delay are unfortunately too common.

TRANSPORT. 8.3.1. Transport is one of the many difficult problems faced by the employees. This is also given as an excuse for late attendance or early departure from office. Transport by public conveyance to and from fixed points for Government officials on reasonable charges should be arranged by Government. This should not be difficult where transport is nationalised. It should also be seen that bus routes and bus services are so worked out as to transport civil servants to and from the place of work punctually. It should be made the responsibility of an authority such as the Inspector-General of Police to see that this is done in each State. The system of grant of advances for the purchase of conveyance of the employees, such as cycle, scooter, motor-cycle, motor cars, etc. should continue, if not extended further.

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TION FOR
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8.3.2 We recommend that transport to and from Government colonies and public offices may be arranged by Government on payment of reasonable charges, by hiring public conveyance running in the city or by arranging the bus services on suitable routes.

8.4.1. The existing arrangements in regard to medical facilities for civil servants and their families are good, even though improvements are always possible.

MEDICAL
FACILI-
TIES.

The Central Government Health Scheme (C.G.H.S.) available to Central Government employees at Delhi should be extended on a phased programme to all civil servants in the States as well as at the Centre in other places in place of the existing reimbursement scheme. There are two factors which limit the extension of this or any scheme; one, is the cost and the other, the loss often heavy - caused by the misuse by civil servants of the facilities made available to them.

Regarding the first factor, there is no reason why part of the cost should not be recovered in the manner recoveries are made from similarly placed employees in the private sector under the Employees State Insurance Scheme (E.S.I.S.). Expenses on medicines are a normal item in a householder's budget, in no way different from expenses on food and clothes. While medical check-up by Government doctors may be free, there appears to be no reason why all medicines should be supplied altogether free. At the same time, medical bills may be so heavy in particular cases of prolonged illness and it may not be fair to saddle the individual with all the expenses. A more equitable way would then be to recover the cost of the medicines by a health insurance scheme as in U.K. under which all people including civil servants would be liable to pay the prescribed premia.

Pending extension of Central Government Health Scheme to other areas, each hospital may have a separate wing for civil servants who in turn will have to make contribution as in the C.G.H.S.

In the re-imbusement scheme distinction is made no doubt between medicines, the cost of which can be reimbursed and medicines the cost of which cannot be so re-imbursed. But the administration of the rules in this respect is very lax.

In the Police Department, a Police Relief Welfare Fund is maintained for meeting the cost to the extent possible of the non-reimbursable items. Perhaps similar funds can be built up for other civil services. In any case the burden of free medicines to civil servants should not fall on the public in an inequitable manner.

Regarding the misuse of the facilities we may quote one news item from the 'Deccan Herald' (Bangalore) dated 13th January 1967 :

*NEW DELHI, Jan.12 - How mere registration of a case by the Special Police Establishment of the Central Bureau of Investigation has a deterrent effect is shown from the amounts claimed on medical grounds by some postal officials.

In February 1966, the CBI started an investigation against a postmaster in Madras State who in collusion with the authorised medical attendants, druggists and some employees, was cheating the Government by preparing false medical reimbursement bills for the employees.

Soon after the case was registered, the bills started showing a downward trend and the total expenditure on this account for March-December 1966 came to only Rs.19,000 as against Rs.2,79,000 claimed in

.....While an amount of Rs.28,964/- had been claimed on account of reimbursement of medical charges during April, 1965, the claims during the same month in 1966 was a mere Rs.531/-.

.....Now the postal authorities concerned are surrendering about Rs.1,80,000/- out of their budget allotment of Rs.2,39,800/-. In previous years, they had been asking for supplementary allotments. . . ."

This kind of leakage is a great source of worry to the State when it thinks of enlarging medical facilities to civil servants.

The main reason for this leakage is that the administrative side is very poor. This is where medical men coming to occupy administrative positions can help plug leakages.

8.4.2. There is much loose thinking in Governments on the question of prescribing medicines. A Civil Surgeon will prescribe quinine for malaria and the civil servant can legitimately get the same under the rules for medical facilities. But the same Civil Surgeon can also 'prescribe' alcohol as necessary for health reasons to an applicant wanting a permit for drink under the Prohibition rules! Could the 'patient' then expect a regular free supply of alcohol by the State in order that he may be in a fit state of health to serve the State?

This particular question will straightaway be answered in the negative. But between these two extremes - quinine and alcohol - there are the items which approximate to the one or to the other. Those which are of the quinine type are medicines which can be given free. But vitamins or calcium gluconate or 'drakshasava' which

any person in a normal state of health can take for years as a substitute for vegetables in a balanced diet approximate to the other extreme. It can never be the responsibility of the State to provide these 'pick-me-up' prescription free. But this is what is happening. A precise distinction should, therefore, be made between medicines prescribed for an incapacitating illness and medicines given for purposes of sheer 'pep', whatever this 'pep' may be.

It is not easy for us to generalise and theorise on the question of medical facilities for civil servants. But it is time that a competent committee of medical men is set up to review the rules for dispensing medicines and re-cast them in a rational, elaborate manner. If this is not done, the incidents reported in the news item quoted above from the 'Deccan Herald' of 13th January 1967 will become daily occurrences in every office - if they are not already so - to the detriment of the nation's economy.

Distinction is being made and rightly so between men in the Police Department and others. The former are on duty on call at any and all times and it is necessary in the interests of security to keep them not merely free from incapacitating illnesses but also in a state of utter fitness physically. May be, this distinction can be extended to people putting arduous physical work in the field. But this point would need a more detailed study.

8.4.3. The system of reimbursement of cost of medicines purchased from private sector shops is open to abuse in some instances. Free supply of medicines may be arranged from hospitals which in turn must take their stock from Government Medical Stores. Adulteration of drugs is a persisting evil in this country. Supplies of medicines to civil servants should, therefore, come eventually largely from Government hospitals or Government medical stores, municipal hospitals, Government supervised cooperative stores, etc. Formerly jails used to manufacture quinine and cinchona pills and these used to be sold to the public through post offices. Possibly, such small manufacturing units for the manufacture of the safer types of pills, e.g., aspirin, vitamins, etc., may be undertaken on a larger scale. In any case, in due course of time, the bulk of medicines meant for civil servants must come from Government or public sector undertakings:

8.4.4. In one respect, however, rules of financing will have to be relaxed and this is in respect of family planning. Civil servants number a good few millions (if railways, P&T, Ordnance factories, etc. are included) and so form a not negligible proportion of the country's total population. The impact of effective family planning by civil servants is thus bound to be forceful as an example by way of publicity to the rest of the nation. Family planning programmes should, therefore, be wholly financed by State and Central Governments in so far as they concern civil servants. If Government has taken power to punish an officer departmentally, if he contracts a

apply restrictions and incentives to encourage small sizes of families. The first of such steps should be the limitation of free education of a civil servant's children to two and not more. The State should not be bound to subsidise education, etc. of those brought into being beyond the sustaining capacity of the nation. Similar other restrictions on family privileges and concessions should also be considered. The Maharashtra Government have already started such measures.

The civil servants' financial contribution to the C.G.H.S. should again be a fixed sum per person in his family and not a fixed sum as at present per family, irrespective of the beneficiaries of the scheme. The fixed sum should of course be related to the salary.

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8.4.5. We recommend that :

- (1) The Central Government Health Scheme available in Delhi to Central Government employees should, as far as possible, be extended to all civil servants in other areas and should replace the present reimbursement schemes for provision of medical facilities.
- (2) In places where separate provision for treatment of Government employees is not possible, separate wings may be provided in the Municipal or State Government Hospitals for the treatment of Government employees and supply of medicines to them.
- (3) Under the schemes for reimbursement of the cost of medical treatment and administration of medicines at present applicable, the rules should provide

for the reimbursement of the cost of essential and ethical drugs only and not of preparations (e.g. vitamins) which can as well be categorised as special food or tonics for making up nutritional deficiencies of food by persons in normal health.

- (4) As the system of reimbursement of the cost of medicines purchased from the market is open to abuse, arrangements should be made for supply of the medicines from the Government or Municipal Hospitals or Government Medical Stores, or Government-supervised Cooperative Stores, or from Government factories manufacturing medicines.
- (5) Steps for encouraging family planning among Government employees should be taken by Government as a special measure. C.G.H.S. facilities should be on a lesser scale as the family increases beyond a limit.
- (6) The monetary contribution from an employee under the Central Government Health Scheme should be based on the number of entitled beneficiaries in his house.

EMPLOYEE
COUNSELLING

8.5.1. In Government offices the subject of employee guidance and counselling has not received much attention. There are the usual problems of the employees, such as, housing, admission in schools and colleges, and admission of their ailing dependents in hospitals; these affect their behaviour and attitude to work. These are personal problems and if unsolved, can have a profound disturbing effect on their official performance. A little guidance and counselling will be of great psychological value. A beginning has been made in the Central Government departments like the P&T and Railways for attending to these problems. But this work is done by men, many of whom are not professionally qualified and have not received any special training for this purpose. Hence, no appreciable impact has been felt of the work done hitherto.

TRAINING
TO THE
SUPERVISOR
IN COUN-
SELLING.

8.5.2. As the Supervisor is likely to know the individual idiosyncracies of an employee, his emotional make-up, his work pace, etc., he would be the fittest person for giving proper advice to the employee. The Supervisor should, therefore, be given general training in the art of handling employees' grievances and in employee counselling.

CENTRAL
POINT FOR
COUNSELLING

8.5.3. There should be a central point in every large sized office at which the work of employee counselling and guidance should receive careful attention. The person appointed should be fully qualified and trained in social psychology and human relations. In the Central Government the nodal point at which

the problems of welfare of the employees are considered is located in the Home Ministry with a Chief Welfare Officer. Welfare Officers are nominated in each Ministry and in the headquarters of attached and subordinate offices who receive instructions and guidance in welfare matters from the nodal authority in the Home Ministry. Such of the Welfare Officers at present appointed in the Ministries and attached and subordinate offices at the Centre, as are not specially trained in this work should, therefore, be replaced by qualified and trained persons. The representatives of the Staff Associations are nominated to advise the Chief Welfare Officers and the Welfare Officers in the matter of welfare problems of the employees. This practice should be continued.

8.5.4. Many grievances of the employees arise from misunderstandings or ~~problems~~ that should be settled promptly and satisfactorily on an informal basis at the Supervisor's level before they become causes for serious discontent. These matters should be settled by counselling and mediation, at the initial stage itself. An effort should be made to explore the source of any difficulty, and suggestions of constructive ways to overcome such difficulty should be made. Such counselling of employees is to be treated as private matter between the supervisor and the employee.

THE ROLE
OF SUPER-
VISOR IN
COUNSEL-
LING.

8.5.5. Many of the breaches of the discipline calling for disciplinary action of a minor nature could be settled by proper counselling at the initial stage. Apart from the provisions made in the rules

MINOR
GRIEVANCES

a procedure by which the causes for dissatisfaction to the employee which ultimately develop into disciplinary cases are discovered at the early stage and remedial action taken. An employee who considers himself aggrieved in such matters, such as inadequate attention to his personal rights, leave, etc., should discuss the matter with his immediate supervisor and if his grievance is not resolved to his satisfaction, he may be given the right to discuss the matter with the Head of the Office or the immediate superior of his supervisor, or to send a written representation. It should be laid down as a rule that the representation should be acknowledged immediately and decision taken within a month.

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DATION FOR
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8.5.6. We recommend that employee counselling and guidance should receive urgent attention. The Supervisor should be the main person who should undertake this work at the initial stage. The Supervisor and Welfare Officers required to do this work should be given necessary training in the methods of handling employees' grievances. The Welfare Officers should associate a representative of the Staff Associations in welfare matters. The machinery for attending to the grievances of employees should act with expedition.

8.6.1. We have referred to canteens for staff in Chapter VI. Government encourages the setting up of canteens on a cooperative basis by the employees by giving several concessions in the matter of accommodation and provision of funds for meeting the initial requirements of equipment, etc. The Welfare Council or Committee appointed in each office keeps an eye over the working of the canteen. In spite of these the standards of cleanliness and the quality of food supplied by these canteens leave much to be desired. The Welfare Officer should be specifically held responsible to see that canteen services are up to the prescribed health standard. The element of subsidy by Government towards the working of the canteens should be increased wherever necessary so that the employees are enabled to avail of the facilities at reasonable rates. We have also recommended measures where the economy effected by the cooperative efforts of the staff should be utilised for subsidising the expenditure on such common facilities. The staff canteen may be included as one of such items for getting this subsidy.

CANTEEN
FACILI-
TIES.

8.6.2. We recommend that a welfare council or committee appointed in each office should attend to welfare matters, including the standards of cleanliness of the office, the canteens, etc.

RECOMMENDA-
TION FOR
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TRAVEL
CONCESSION

8.7.1. At present travel concessions are available to government employees for visiting their home towns on earned leave once in two years. For the first 400 kilometers of the journey to and fro the employee has to bear the fare and the Government reimburses him the expenditure on the fare for the remaining distance. The majority of the eligible Government servants avail of these concessions.

8.7.2. There is every justification for removing the 400 kilometers restriction and for making the travel concession annual or at least more liberal. The railway employees get railway passes and other concessions on a far more liberal scale than is desired or is justifiable from the national point of view. It is no doubt very difficult to deal with this problem which by now has become an almost impregnable vested interest. But a beginning has to be made so that civil servants in other departments do not feel discriminated against. We feel that all civil servants, including railway men should get the same travel concessions. This can be done only by a reduction in the scale of travel concessions of the railway employees and liberalisation of the concessions to the others to some extent. The objective should be to see that in course of time all civil servants get the same travel concessions - concessions which at the same time the railways and the country can afford.

Although the financial implications of this suggestion have not been worked out, one can safely say that with the levelling down of the present concessions to railwaymen, there is the possibility of Government even making a substantial saving, especially as railwaymen form 54% of the total number of Central Civil servants.

8.7.3. Reimbursement of the cost of railway tickets may be replaced by the warrant system as for railwaymen and for the defence personnel. This will reduce the work load all round. This will have to be taken up with the Ministry of Railways.

8.7.4. We recommend as follows :

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TION FOR
ACTION
(49)

- (1) The travel concession for visiting home town for the employees may be liberalised by making them eligible for it annually.
- (2) Uniformity in the scale of travel concessions should be introduced as between railway servants and other employees by curtailing the concessions now permitted to railway servants.
- (3) Reimbursement of the charges for the railway fares may be replaced by a warrant system.

HOLIDAY
HOMES

8.8.1. How to spend leave in a relaxed manner is a problem which civil servants dwelling in cities cannot easily solve. Travelling and sight-seeing are expensive. The result is that leave is often spent in boredom. Civil servants should not be unduly encouraged to forego their leave, as leave periods are recuperative. In fact, civil servants who have not taken leave for long stretches at a time should be encouraged to take leave and spend the leave in relaxation and recuperation. Holiday homes are a useful aid in this direction.

Maharashtra has a holiday home or two on this model for the lower paid civil servants.

Holiday homes should be built especially at all places of tourist interest (and not necessarily all at costly summer centres like Simla). This will encourage tourism also. Civil servants proceeding on leave to holiday homes in places of tourist interest should be given travel concessions such as those offered by the railways to persons going to hill stations in summer, that is, one and a half fares for the to and fro journeys.

The Department of Tourism should in fact consider as valuable the publicity that tourist centres will get from civil servants visiting them on leave.

The holiday homes do not have to be built on lavish scales. Hired buildings if available can be taken up for this purpose. Existing dak bungalows

or rest houses, especially at or near tourist centres can (with or without extensions) be used as holiday homes. When there is rush even tents could be pitched, for residential purpose on fair rents. A visitor to Pahalgam in Kashmir cannot but be impressed by the way tourists of all classes enjoy staying in tents. Departments of Tourism should give special attention to attract civil servant visitors to tourist centres.

8.8.2. We recommend that :

- (1) Holiday homes for Government servants should be built at places of tourist interest.
- (2) Government servants should be encouraged to take leave, so that they can relax and come back to their jobs refreshed. They should also be encouraged to take study leave for undergoing special training or special refresher or other courses, to improve their skills and knowledge.

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TIONS FOR
ACTION
(50)

COMRADE-
SHIP.

8.9.1. A tradition of social fellowship among public servants should be fostered in a big way. In the past, it was obligatory for young civil servants to join clubs. Junior officers had often to work as club secretaries and thus they got an opportunity to organise social functions. Now, clubs are expensive and unless civil service clubs are started on a subsidised basis it may not be possible to revive this old tradition. Recreation clubs in many offices have been organised and are receiving some grants from Governments and some concessions in regard to accommodation, etc. Many of them are not functioning satisfactorily. Recreation clubs should be organised on the lines obtaining in public sector undertakings like Hindustan Machine Tools, Bangalore, and Heavy Electricals, Ltd., Bhopal. Wherever there is a concentration of Government staff Government should bear the rent of the buildings or should provide suitable floor space in Government buildings. Amenities should be financed by the recreation centres from subscriptions from members, but Government may pay a part of the capital cost. The Welfare Officer should see that the centres are not mere recreation centres, but places where juniors and seniors meet (as in the messes maintained for the Defence Forces) on a social level of informality. The programmes should be in the hands of people specially trained for the purpose. In good hands such centres would then achieve two purposes: one of breaking down emotional barriers

integration. One important activity is people working in the same office going on picnics to nearby places of historical or other tourist interest.

It should be added that while these recreation centres should not follow the exclusive 'high-brow' pattern of the old type of clubs, there should be some compartmentalisation in keeping with the requirements of compatibility and discipline. We would not accordingly suggest that Class I officers and Class IV officers should habitually be in the same centre. If such a centre were attempted, it would fail because of the absence of common standards and ideas of relaxation and recreation. There could, however, be special days in the year during which Class I and Class IV officers can meet to participate in common programmes suitably designed for the purpose. In the old colleges in Cambridge, one day is set apart when the college ministerial staff sit for meals at the table and the students serve food to them. Features like these help a great deal on the psychological side.

Welfare activities should include social activities in a variety of ways and these should be aimed at removing the old notions of superior and inferior services. Monthly social gatherings can follow monthly discussions of official problems. These social gatherings should not be held after office hours. The last hour of a working day should be set apart for the same. The planning of these welfare activities should be undertaken by trained people with aptitude for the same, as one finds in the case of people conducting the activities of such institutions

The present mood of unions and associations of civil servants is not helpful. The emphasis on rights is far too much and operates at the expense of duties. At least in part, this mood is due to the present rigid impersonal nature of civil service. If fellowship is developed, there is every possibility of this mood relaxing to the advantage of Government.

Perhaps it will help a great deal if unions and associations are themselves induced to take up social and cultural activities as part of their functions. Cooperative activities have not succeeded in our country in the way they have in U.K. But labour unions and associations may perhaps fare better when they try their hands at social and cultural activities.

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DATION FOR
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8.9.2. We recommend that :

- (1) Fellowship activities aimed at removal of emotional barriers and at building up esprit de corps amongst civil servants should be undertaken in a large way, such work being entrusted to people who have aptitude for such work and who are specially trained for the same. Central and State Governments should start and subsidise recreation centres where senior and junior civil servants can meet on a social plane.
- (2) Senior officials in supervisory positions should be entrusted specifically with the duty of organising social and cultural activities, including conducted tours on week-end trips and so on.

8.10.1. There are "Sports Control Boards" in the Posts and Telegraphs, Railways and a couple of other organisations. These organise tournaments and run clubs where players can get their practice at games and also enjoy the ordinary club amenities. But the number of civil servants who are outside the orbit of these boards is still very large. A studied attempt should be made to extend this scheme. Grants should be given to the club for meeting initial expenditure and for award of prizes in Sports meets etc.

8.10.2. We recommend that facilities for recreation and sports for Government employees should be provided where sizeable number of Government employees are living, so that they keep their health and physical fitness unimpaired.

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DATION FOR
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WOMEN
CIVIL
SERVANTS.

8.11.1 The Graha Kalyan Kendra in Delhi is doing very good work. This kind of work should be encouraged by financial grants, which may be earmarked for 'Bal-Vadis', creches, day-nurseries and such other activities. The increasing cost of living to-day makes it almost compulsory for each adult member of an average family to become a wage earner; but the problem of working mothers who have to play a dual role has remained neglected in the context of the modern facilities available to women employees in other countries. The creches should have trained nurses and the C.G.H.S. staff asked to give their time to children left in those creches.

8.11.2 There are many jobs in Government which lend themselves to be done better and more efficiently by women civil servants e.g. the posts of telephone operators, nurses, teachers, receptionists, etc. The women employees after marriage find it difficult to continue to serve in offices. Consequently, they have to resign their jobs and in the process lose many of the rights of the past service. Government also loses experienced and trained employees. It may be laid down that in such cases a break of as many as five years may not constitute a bar to their re-employment in Government in suitable vacancies that may be available and credit for their past service may be given in respect of pensionary rights, leave etc. There are many positions in Government which may not justify whole-time appointment of a person. (In fact many of the rural Post Offices

are manned by part-time employees). In appointments to such part-time jobs, preference may be shown to such women employees who are otherwise qualified to hold these appointments.

8.11.3

We recommend that:

- (1) For the children of female Government employees, balwadies, creches and day nurseries should be established at convenient centres in Government colonies.
- (2) Women civil servants who resign their jobs before they become entitled to retirement benefits, may be permitted to take up re-employment in suitable posts, subject to the condition that the period of break in the service does not exceed five years, and in that case, their past service should be taken into account for other service conditions, such as leave, pension, etc. They may also be given preference in appointments to part-time jobs under Government when they are otherwise qualified to hold these posts.

RECOMMENDATIONS FOR
ACTION
(53)

COOPERATIVE 8.12.1 The Central Government Employees'
STORES.

Consumer Stores have been of considerable help in providing consumer articles on reasonable rates and in promoting cooperative movement among the staff. The opening of the Super Market might have reduced their turnover. But it is up to the Government servants to devise ways to keep these Cooperative Consumer Stores going on a self-supporting basis. Supply of materials in standard packages and home delivery service may be thought of. This may eliminate inventory difficulties and also minimise the cases of shortages, pilferages, etc. A minimum home delivery charge may be levied, which should not be more than 2 per cent for the supply, if it is for goods more than Rs.50/- worth, for a distance beyond five miles. Otherwise, the normal home delivery charge may be .25 paise for each order. Cash credit facilities may also be extended to the consumers, the amount to be recovered from the next salary bill. Government may assist the Stores in procurement of the provisions at reasonable rates direct from manufacturers and producers of the articles.

8.12.2 The Government servants should be encouraged to form cooperative house building societies to which assistance should be given by Government such as allotment of land at reasonable rates, grant of house-building advances so that Government servants are enabled to build their own houses.

RECOM- 8.12.3
MENDATION
FOR ACTION
(54)

We recommend that cooperative organisation among Government servants should be encouraged by giving facilities for formation of Government Consumer Cooperative Stores, House building societies, etc.

8.13.1 Government servants are sometimes involved in prolonged litigations and criminal cases, affecting their efficiency. Their image in society suffers also thereby. Two kinds of cases may arise - Government servant vs. Government servant and Government vs. private individual. In regard to criminal cases, we suggest the following for consideration:

LITIGATIONS
AMONG
CIVIL
SERVANTS.

(i) A Government servant who is not prima facie at fault, may be given assistance of two kinds:

- (a) Government may come forward to assist him in getting surety in cases where a bail is demanded; and
- (b) A Government servant can be given legal assistance by lending the services of a lawyer and other facilities at reasonable rates depending on the merits of the case. In both these cases certain restrictions in terms of the salary groups to which such facilities may be available may be imposed.

(ii) He may be assisted by way of grant of loan from a benevolent fund or the like, outside the normal machinery of Government.

Provision should be made in the rules for grant of loans from the Provident Fund or the like to Government servant involved in litigation.

RECOMMENDA- 8.13.2
TION FOR
ACTION
(55)

We recommend that Government employees should be given assistance in the matter of settling their problems, such as litigations, criminal cases in which they may be involved by such measures, as legal assistance on reasonable charges, furnishing surgeties, loan from their Provident Funds, etc., as otherwise they will not be able to devote their full attention to their official duties and their image in the society may suffer thereby.

8.14.1 In many instances certain positions and branches such as establishment branch do not take the initiative in settling the personal matters of employees such as issue of leave orders, sanction of increment, etc. unless written or oral request is received from the concerned employee. The welfare agencies may render assistance to employees in such matters which are pending for a long time for want of relevant records or for want of decision in inter-connected matters. These delays in personal matters have considerable effect on the morale of a civil servant. Normally there are two channels an employee may resort to in such cases, viz.

PERSONAL
PROBLEMS
RELATING
TO OFFICE
WORK.

(a) he can go to the personnel department,
and in addition he can go to the Welfare
Officer;

(b) he can make an appeal to the next higher
officer.

While the responsibility for settling personal claims should be laid on the institution of personnel officers, Welfare Officers may assist the employees in getting them settled.

8.14.2 We recommend that the establishment matters, such as issue of leave orders, sanction of increments, etc. which affect the personal rights and conditions of service of the employees should receive expeditious attention. The employees may seek the intervention of the Welfare Officers to avoid delays in settlement of such cases.

RECOMMENDA-
TION FOR
ACTION
(56)

SELF
DEVELOP-
MENT.

8.15.1 Self development in administration has become a matter of chance rather than a matter of entitlement for industrious and hard-working employees. The Government should create conditions in which adequate facilities are available for them to improve their lot. In this respect we have already made some recommendations under the chapters on Promotion Policy and Work Motivation. Here, we are only concerned with the way in which Government should create conditions which could help the Government servants and their dependents to better their lot.

8.15.2 The field of adult education may be one fruitful avenue. Adult education is not to be confused with literacy programmes. Adult education has three aspects:

- 1) Literacy programme.
- 2) Education through self-efforts.
- 3) Further education through Government assistance.

There are certain programmes in which the Government can create condition for the employees to better his lot. For example, the peons can be given facilities for vocational training in their spare time in certain mechanical trades such as carpentry, motor mechanic, trade of electricians, gardeners, etc. This will enable them being placed on better jobs when readjustment of staff is made as a result of reorganisation.

The clerks and others can be extended advance training in typewriting, telephone operating, motor-driving, handling of automatic data processing machines, and non-vocational general education, etc.

The officers in certain higher categories can also be given facilities through the institutions of evening courses to improve their existing knowledge in the field of engineering, financial administration and other general educational subjects. Employees should be encouraged to avail of study leave and improve their knowledge and skills in educational institutions both inside and outside the country. There should be a positive programme for allowing a minimum percentage of employees for such studies.

The housewives of the Government servants can be given training in first aid, house-keeping, interior decorations, nursing, child care, etc.

8.15.3 In all such cases the Government should take the assistance of the existing educational institutions in the country which should be asked to organise such courses. If necessary, these courses may be subsidised by Government. The Government can also give opportunities to the employees who have a flair for teaching. This will enable them to increase their emoluments through legitimate means.

8.15.4 Through the agency of the Adult Education Programme mentioned above, all the existing Welfare Officers may be given training in the work of welfare. Welfare work is very specialised, in fact,

the guidance programmes and employee counselling in the western countries are done by trained psychologists. Perhaps, in our country for a very long time we may not be able to get trained psychologists to do this work in adequate numbers. None the less, nothing debars the Government from giving the existing officers a similar orientation. Imaginative training programmes should be organised in which an officer who is required to do the welfare officer's job must participate.

RECOMMENDATION FOR ACTION (57) 8.15.5 We recommend as follows:

- (1) Opportunities through adult education programmes should be made available by Government to the employees to improve their skills and knowledge and their equipment for their official duties. Such opportunities to the families of the employees may also be provided for learning some special skill or trade.
- (2) The welfare officers may also be trained in employee counselling and guidance through such adult education programmes.

8.16.1 Certain services rendered beyond the normal requirements of duty should be remunerated. Officials who perform welfare work in their areas outside the normal duty hours should be given some remuneration

WELFARE
WORK
ADDITIONA-
LLY DONE
TO BE
REMUNERA-
TED.

similar to the remuneration granted to Government servants who are called upon from time to time to act as Invigilators or Examiners by the U.P.S.C.

8.16.2 We recommend that employees who are required to do work connected with welfare programmes in addition to their normal duties should be granted suitable extra remuneration.

RECOMMENDA-
TION FOR
ACTION
(58)

POST-
RETIREMENT
BENEFITS.

8.17.1 Pension is not a payment which a civil servant can claim as an absolute right. The main principles in granting a pension are firstly to instil a feeling of security in the mind of the working civil servant; secondly, to enable him to work honestly without being haunted by fear of want after retirement; and thirdly, to see that after retirement he lives in a style which he is used to and which is in keeping with the dignity of the service he belonged to. The same remarks apply to other post-retirement benefits. The retirement benefits for civil servants at present in force are in the form liberalised in the light of the recommendations of the two successive Pay Commissions. There have also been some minor modifications since to these benefits.

The existing rules relating to the retirement benefits are contained in the Civil Service Regulations and in the Liberalised Pension Rules. There are also separate sets of rules for such special classes of officers as High Court Judges, Members of the Indian Civil Service, etc.

The important landmarks in the history of the Pension Rules are the Pension Rules of 1919, the Superior Civil Service Rules of 1924, the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules of 1936, the Liberalised Pension Rules of 1950 introduced with effect from 1st April, 1950 as a result of the recommendations of the First Pay Commission and further modifications effected on the basis of the recommenda-

tions of the Second Pay Commission. These rules are briefly given below:-

(1) Pension Rules, 1919: These rules came into force on the 29th August, 1919, and are applicable to officers appointed substantively to the service or appointments specified in Article 349-A of the Civil Service Regulations (C.S.R.) who joined their appointments after 29th August, 1919, but have definitely elected in writing with the permission of Government to come under them. For these officers Articles 404-A, 465-A, 474-A and 475-A of the C.S.Rs. apply in the place of Articles 403, 404, 405, 474(b), 475, 476(c), 623, 641(c), 642 and 643 of C.S.Rs.

(2) Superior Civil Service Rules of 1924: In these rules for the members of the Services and the substantive holders of posts enumerated in Schedule V of these rules the maximum limits for retiring and superannuation pension excluding amounts earned for special additional pensions, were raised as provided in Rule 13 of those Rules; and the rates of compensation and invalid pension were modified as provided in Rule 14.

(3) Central (Class IV) Services (Gratuity, Pension, Retirement) Rules, 1936:

These rules came into force on 1.4.1936 for regulating the retirement benefits of all Class IV staff under the administrative of the then Governor-General in Council. Prior to the coming into force of these rules there was no prescribed age of superannuation

for a Class IV Government servant. He was separated from service either by death while in service or by invalidation or retrenchment. The Civil Service Regulations, therefore, only provided for compensation or invalid gratuity/pension for employees of this category. The new rules put the provisions regarding superannuation, retiring benefits, etc. of Class IV staff on a regular footing. These rules have been largely superseded by the New Pension Rules of 1950.

(4) Pension Rules of 1950: These rules, popularly called the "Liberalised Pension Rules" modified the existing pensionary provisions contained in the Superior Civil Service Rules, the Civil Service Regulations and the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936 to the extent specifically provided in the Liberalised Rules. The liberalised pension rules were instrumental in introducing certain new features like death-cum-retirement gratuity, family pension, etc.

(5) Liberalisations effected in the Pension Rules on the recommendations of the Second Pay Commission.

Further liberalisations regarding pensions were effected in (a) Civil Service Regulations, (b) Superior Civil Service Rules, and (c) Liberalised Pension Rules, 1950, as a result of the recommendations of Second Pay Commission. These orders apply to all Government servants retiring from service on or after 22nd April, 1960. In respect of persons who

retired between 1st November, 1959 and 22nd April, 1960 qualifying service as well as emoluments for pension will be reckoned either according to pension rules as they stood on the date of their retirement or under the provisions as amended with effect from 22nd April, 1960 whichever are more favourable.

(6) Family Pension Scheme of 1964: This scheme was introduced on 1st January, 1964 and replaced the Family Pension Rules under the Liberalised Pension Rules in respect of those Government servants who are governed by the Liberalised Pension Rules wholly or partly and who elected or were deemed to have elected this scheme.

As they stand now, the retiring benefits are non-contributory in nature and subject to a ceiling limit of Rs.8,400/- per annum as pension and Rs.20,400/- as death-cum-retirement gratuity, which will accrue to an official if his emoluments during the last three years of service are not less than Rs.1800/- per month and if he has put in 30 years of qualifying service. Government propose to issue orders to have the right to retire civil servants on completion of 25 years of qualifying service or on reaching the age of 50, whichever is earlier, in the public interest. Under the latest Family Pension Scheme for Central Government employees, family pension will be admissible to the surviving widow upto the date of death or remarriage, whichever is earlier or to the minor son until the age of 18 years, or to the unmarried daughter until the age of 21 years, or her marriage, whichever is earlier.

Even if a Government servant dies in service after putting in a minimum period of one year of service, his family will be eligible for the family pension. The scale of the family pension is as follows:

<u>Pay range</u>	<u>Family pension per month</u>
Rs.800 and above	12% of pay subject to a maximum of Rs.150/-.
Rs.200 and above & below Rs.800	15% of pay subject to a maximum of Rs.96/- and a minimum of Rs.60/-.
Below Rs.200/-.	30% of pay subject to a maximum of Rs.25/-.

It is also provided that in case of death after 7 years of continuous service the family pension payable will be at 50% of the basic pay last drawn, subject to a maximum of twice the pension indicated above for a period of 7 years from the date of death or till the date on which the officer would reach the normal age of superannuation had he remained alive (whichever is earlier).

The family pension scheme has been liberalised as part of the programme of extending social security to the Government employees.

8.17.2 The retirement benefits of the State Governments more or less follow the pattern adopted by the Centre.

8.17.3 There are highly elaborate rules for calculation of Pension and Death-cum-Retirement Gratuity. The length of ^{the} qualifying service and the nature of emoluments drawn during the last three years of service by a Government servant are the major

determinants of the quantum of pension. There are several conditions to be satisfied before the service is treated as qualifying for pension. The method of calculation of average of pay on which the pension is based is also extremely complicated. For these reasons the finalisation of pension cases drags on endlessly often for years and the retired officials are put to a lot of hardship. In Madhya Pradesh Government, for example, there were at one time 3000 pension cases in arrears with the result that an Additional Accountant General had to be posted to settle them all.

Though instructions exist that the pension case of an official should be taken up at least a year in advance of the date of his retirement, the involved rules for the methods for verification of services, calculations of the qualifying service and the emoluments, the chaotic state of the records kept in the various offices nullify the advantages that can be expected out of these instructions. Several innovations have been made recently to cut short the delays. For example, Maharashtra, Madhya Pradesh, Gujarat Governments have issued orders that except for gazetted officers the sanction for pension and gratuity would be the responsibility of the Head of the Department, the role of the Accountant General merely being one of checking the correctness of the amounts of pension and gratuity sanctioned. Instructions have also been issued by these State Governments that the Accountant General would be responsible

for finalising the pension cases of gazetted officers. While these modifications of the rules and procedures may help to reduce the delay in the sanction of pension, they do not go far enough. We feel that the whole method of grant of retirement benefits should undergo a complete change.

8.17.4 The retirement benefits are at present not met out of the proceeds of any special fund created for the purpose. There is no actuarial estimate of the cost of these benefits. These benefits were sanctioned somewhat on an ad hoc basis and in some respects seemingly under pressure occasioned by an over-emphasis on the application of the principle of social justice. We have every intention of ensuring that conditions of service of civil servants are improved. But we cannot, in this search, forget that civil servants and their families form less than 10 per cent of the population and that any unreasonable benefit conferred on them becomes an unjustifiable burden on the rest of the country. As things are, civil servants, by employing their collective bargaining capacity in full, have secured benefits which less favourably situated classes and groups in the country have been unable to get. Any further liberalisation of the benefits will therefore heighten the imbalance that has already begun to be felt. The improved conditions of living and the advances in medical science and treatment have increased the average expectancy of life. The cost by way of pension

and other retirement benefits will therefore grow to a sizeable figure in course of time. At one time, prior to the liberalisation in accordance with the recommendations of the First Pay Commission, it was estimated that the requirement benefits were equivalent to about 12.5 per cent at a rate of interest of 3 per cent of the emoluments received by the employees during their service. After the liberalisation of retirement benefits, the equivalent value of these benefits is expected to be not less than 15 per cent of the emoluments. The actual cost to Government is much more if we also take into consideration the cost of the clerical staff in the Government offices including the offices of the Accountants General employed for administering the rules. If the scale of pension and other retirement benefits is increased from time to time, the burden on the tax payer will go on mounting. Already the administrative expenditure of Government is on the high side and is increasing. This has given rise to a strong and often justified criticism in Parliament and outside. Further, pensioners who did not get the benefit of the liberalised rules are now clamouring for an increase in their pensions to meet the higher cost of living. (There is no built-in provisions in the pension rules for adjustment according to the cost of living).

8.17.5 In many countries, (e.g. France, Libya, U.S.A., Lebanon, Mexico, etc.), retirement benefits are generally made up of a contribution in part by the

employee and the rest by Government. In quasi-Government institutions like the local bodies, the universities, etc. in these countries, an insurance schemes takes the place of the pension system. Under these schemes, while the employer pays the major portion of the insurance premium, a contribution is also recovered from the employee. The insurance premium is recovered as a certain fixed percentage of the salary of the employee. In the United Kingdom, the universities pay 10 per cent of the salary of the teaching staff, the staff contributing 5 per cent of their salary towards premium for purchasing insurance policies to provide retirement benefits to them. There are several options available under the insurance scheme. A lump sum may be paid to the employee on retirement or an annuity for the life of the retired employee or both a lump sum amount and annuity. In case the employee dies in service or after retirement, the family of the employee is also eligible for pension, subject to certain conditions.

8.17.6 The first Central Pay Commission considered at great length the question of providing an alternative to the pensionary scheme then obtaining. They had considered the advantages arising out of the contributory provident fund system and had observed that the scheme for the entire abolition of the pensionary system and the institution of the contributory provident fund system as liberally as those enjoyed by the subscribers to the Railway Provident Fund was (the rate of contribution

being 8-1/3 per cent of the employee's salary with a matching contribution by the Railways) was not acceptable to the Government on the ground that it would involve a material increase of expenditure. They had also stated that as a measure of family protection, security to the employee himself, stability and control from the Government point of view a pension system with necessary improvements for providing family pension would be better than the provident fund system. It was in the light of the recommendations of the First Pay Commission that the scheme of Family Pension was introduced as a part of retirement benefits. Even the Railways have now adopted the pension scheme applicable to other Central Government servants. The First Pay Commission also suggested that there should be compulsory insurance of Government employees, especially the low paid staff, so as to ensure maximum protection for the family of employees and it recommended that the medium of Postal Life Insurance could be utilised to provide insurance cover to the employees. It may be stated that at the time of the business of life insurance being not nationalised, there were objections from the private insurance companies, but this objection was not accepted by the First Pay Commission.

8.17.7 We feel that in the present context the only alternative left to Government, in regard to retirement benefits if the interests of all sections of society are to be borne in mind, is to replace

the present schemes of the retirement benefits by an insurance scheme which confers on them all benefits which Government now stands committed, to continue, but which, in future, will resist accrual of fresh benefits which the country cannot afford to give.

8.17.8 An insurance scheme has certain advantages over the present pension system. It dispenses with the present complicated procedure for verification of the services, the calculation of the length of qualifying service and the calculation of the average emoluments, with all the inevitable notorious delays. Secondly, the quantum of retirement benefits is not dependent on the average emoluments received during only the last few years' service as in the present pension scheme. An insurance scheme, depending as it is based on the average of the scales of pay, is a true reflection of the performance of the civil servant throughout his service span. In this respect it is a great improvement on the present pension scheme which takes into account only the salaries drawn in the last three years of service. The pension scheme has thus no incentive effect except in the last three years of the civil servant's career. This principle of linking incentive with post-retirement benefits can be seen better applied in the American pension scheme which takes into account the five best salary years in the civil servant's entire career. Thirdly, the insurance scheme will enable Government to have an exact assessment of its liability in regard to

pension. In due course post-retirement benefits will be strictly backed by actuarial evaluation. The administration of the scheme will be more economical and scientific. At present there is no actuarial assessment of account. In view of the pressures that are being built up by the Associations and Unions and of the enlarged concept of the Welfare State, control over the quantum of pension and other retirement benefits cannot be independently exercised and the cost to the exchequer may soar to inconveniently high figures, amounting to too heavy a burden on the nation's resources. Fourthly, an employee who is permitted to retire or quit service before reaching the age of compulsory retirement or before putting in the minimum number of years of service entitling him to a grant of pension under the present scheme, can carry with him and have the benefits of his past services under the insurance scheme.

8.17.9 We have had discussions with the Controller of Insurance, Simla, the Actuary to the Mysore Government Insurance Department and a private Insurance Consultant who had worked out certain schemes of insurance for local bodies like the Bombay Municipal Corporation, etc. We have also had discussions with many Heads of Departments, including the Postmaster General, Mysore, Governments of Maharashtra and Madhya Pradesh and other State Governments, the Accountant General, Bhopal, a retired senior Accountant General, etc. on this subject. There was unanimity in the

view that procedures for sanction of pension should be streamlined and delays avoided. The experts were of the view that it would be possible to work out a scheme of insurance which would be equivalent to the present retirement benefits; they felt that as Government did not set apart a separate fund to meet the pensionary liabilities of their employees, no correct estimate about the cost of the pension system could be given and that considerations of cost do not seem to have weighed with the Government in many of the measures introduced for enhancing the post-retirement benefits. For example, they pointed out the revised family pension scheme now provided by reducing the equivalent of the two months' salary from the amount of Death-cum-Retirement Gratuity costs far more than the amount of pension surrendered. In fact, the actuarial experts state that the present family pension scheme has far reaching financial effects and is one of the major steps taken by the Government to provide security in ample measure to a special class of people. As an illustrative instance we were told that the cost of family pension scheme evolved by the Government of Mysore for their employees would alone increase in five years to the tune of Rs.25 lakhs per annum and would swell further as the years went by. For these reasons the provision of an insurance scheme to replace the retirement benefits must be considered on its own merits instead of on considerations of comparative costs to the exchequer. On the other hand, the cost of an insurance scheme

may not fluctuate violently as the cost of the present post-retirement schemes.

8.17.10 Insurance of civil servants on a compulsory basis started for the first time in India in the Mysore State as long back as in 1891. The insurance scheme started in that State was notified in the Mysore Gazette of 25th July, 1891. A copy of the notification is enclosed as an Annexure XI to our Report. It will be seen from Rules 5 and 7 of this scheme that the scheme was compulsory and wholly contributory in nature, there being no contribution from Government. Rule 8 provided for increase in premia and therefore of insurance benefits with increase in the officer's salary. Rule 11 provides for action to be taken when an officer is demoted and his salary stepped down. Although the scheme was thought of seventy five years ago, it has many valuable points which we may, with advantage, include in an insurance scheme for our civil servants now.

8.17.11 An insurance scheme for civil servants will provide post-retirement benefits which are different altogether from benefits which the Life Insurance Corporation (L.I.C.) gives to people insuring with it. The interests of the civil servants will conflict with those of the non-official citizens who insure with the L.I.C. It is, therefore, necessary to see that the insurance premia of civil servants do not merge into the L.I.C.'s general funds. Of course, this can be achieved by keeping the two funds separate. But

there are other reasons which, besides this one of conflict of interests, make it quite advisable that a separate insurance corporation handles the civil servants' insurance scheme and not the Life Insurance Corporation. The L.I.C.'s expense ratio is on the increase for some reason or the other. It almost seems that the present expense ratio of the L.I.C. is just equal to the maximum prescribed by law if not already in excess of it. It is not fair that the insurance scheme for civil servants should suffer from its start with this phenomenon. Further, while the L.I.C. has to canvass for business and pay commission to workers, in this new insurance scheme there will be no need for canvassing or for payment of commission as premia are all collected at source from salary bills. The business will thus have a very low expense ratio and the advantage of this should be shared fully by the civil servants. Another reason is that by law Government may have to impose restrictions as payment of insurance benefits to civil servants in certain cases, such as subversion, treason, etc. The laws regulating the insurance scheme for civil servants may also have to take a different course on some issues. For all these reasons, this insurance scheme should be administered by a separate insurance corporation. This may be achieved very easily by entrusting all this work to the postal insurance of the P&T Department and making such provisions, legal as well as executive, as may be necessary to enable

Postal Insurance to cope with the vastly enlarged business. If this is found for some reason or other unsuitable, a separate life insurance corporation can be set up for the purpose.

8.17.12 The scheme of insurance we have in view will avoid the various drawbacks in the present system of grant of retirement benefits and will, at the same time, confer on the employees the same quantum of benefits that they are getting now. The salient features of such a scheme would be as follows:

Every Government servant who is appointed to a civil post on a permanent basis should, after he completes one year of service, be insured for an endowment insurance policy for an amount equal to 60 (sixty) times the monthly average of the pay scale which is applicable to him. Whenever he moves on to a higher scale of pay, he will be insured for the difference between 60 times the average salary of the higher scale and that of the lower scale. The policy will mature on the date of retirement of the official. Special rates of premium based on the mortality tables for the government employees separately for males and females will have to be worked out. The premium amount for the policy would all be paid by Government. The amount of the policy will be subject to a maximum of Rs.60x1800= 1,08,000/-. Out of this amount, a lump sum amount equal to 13 times the monthly salary, subject to a maximum of Rs.20,400/- which the retired official drew at retirement may be paid on retirement. The balance amount of the

policy will be utilised for payment of an annuity for life disbursed monthly. If the official dies either before or after retirement, his family shall get family pension on the scale applicable at present. The family pension would, however, be a charge on the general revenues of the Government. The employee may be permitted to carry with him the policy, he or his employer being responsible to keep up the payment of the premia. If he is permitted to retire prematurely, he may be allowed to continue the policy on his own. The payment of premia during the periods of extra-ordinary leave, leave on half average pay or during the period of suspension shall be the responsibility of the employee. On non-payment of premium the policy should, after the prescribed period, be treated as paid up. The Government will have the right to forfeit the premia paid as a matter of disciplinary measure after observance of the usual formalities. A Government servant who wants to have himself insured for a larger value, may take out a separate policy. No loan would be granted on the policy for which the premia are paid by Government. A separate head of account will be opened for showing the receipts and disbursements on account of this life insurance scheme. The Government need not actually transfer the funds to this Corporation, in which case only a pro-forma account showing therein the amount of premia received and the disbursements made under this Head of Account will be maintained. In order to simplifying the work further, a group insurance

scheme may be worked out on the above lines.

8.17.13 We have suggested in the above paragraphs that there is a very strong case for the replacement of the existing post-retirement pension and gratuity schemes by an insurance scheme. Our suggestion in this respect should be further considered from the actuarial as well as the practical points of view. In so far as the present post-retirement benefits are concerned, our view is that they are adequate and that there is no case for any further liberalisation.

8.17.14 If the above alternative to the pension scheme as a whole is not accepted (or till the said alternative scheme is brought into force) it is necessary to simplify very considerably - almost radically - the present procedures for sanctioning pensions.

The present methods of laborious verification and classification of the service rendered do no good to anybody. The waste of effort is enormous. If it is avoided there will be considerable saving to Government. Pensioners too will be happy as they will get their pension cases cleared early.

Pensions need not be calculated to the last paisa as is being done now. Excessive emphasis on verification of services need not be insisted upon either. The service book should be regarded as adequate evidence without a cent per cent verification. It will help if the civil servant is supplied with a copy of the particulars of service rendered by him

annually so that he can maintain the service record in the same way as Government does. (This is analogous to the bank pass book or provident fund account which the depositor keeps with him). The loose-leaf file system may be followed by the civil servant for maintaining his service record.

In U.S.A. pension is based on the total length of service rendered to Government irrespective of any break or breaks in service. We need not adopt this pattern, but we can give much less weight to a break in service.

The pension amounts can themselves be fixed in round figures or whole rupees, somewhat in the way pay scales and salaries are fixed.

We recommend the following pension scheme:

- (i) Full pension (i.e., 3/8ths as at present) should be given to the civil servant who has spent a total length of 30 years or more either in civil or defence employment and irrespective of periods of leave, half pay leave, medical leave, suspension, temporary service and quasi-permanent service;
- (ii) If the employment is interrupted by any break or breaks during which the civil servant had ceased to be on the rolls of the Government, all periods of employment upto the time of retirement should be added up and the total period taken into account for determining the pension.
- (iii) For the periods of employment amounting to less than 30 years, pension should become payable on the rules now in force but subject to the provisions indicated in (i) and (ii) above. (Thus no pension is earned if the total period on Government's rolls is less than 10 years);
- (iv) The quantum of pension which is now based on the average emoluments of the last three years of service should be changed to the following pattern:
 - (a) The minimum pension should be the same as it is now, i.e. Rs.25 p.m.
 - (b) For a total period of employment of 30 years or more full pension on the scale given below, should be admissible, provided that the last

three years of employment prior to retirement have been spent in the grade concerned. If the last three years of service have been spent in more than one grade, the amount of full pension admissible should be arrived at by calculating the proportionate pension becoming due in each grade and adding the figures. The proportions in each grade will be those which the periods of service in each grade during the last three years bear to the total service of three years.

- (c) The pension for employment of a period of less than 30 years shall be determined in the same manner.
- (d) Pension for those who retire from the existing scales should also be determined under this scheme. The grades given below which are equivalent or nearest to the grades in which they were drawing pay during the last three years of employment should form the basis for calculation of pension:

<u>Grades</u>	<u>Pension admissible</u>
Grade 1	33 p.m.
Grade 2	51 p.m.
Grade 3	87 p.m.
Grade 4	178 p.m.
Grade 5	322 p.m.
Grade 6	465 p.m.
Grade 7	577 p.m.
Grade 8	675 p.m.
Grade 9	675 p.m.
Grade 10	675 p.m.
Grade 11	675 p.m.
Grade 12	675 p.m.

8.17.15 We recommend as follows:

- (1) The present pensionary and other post-retirement benefits may be replaced by an insurance scheme which will confer on the employees benefits on a scale not less than those available under the existing scheme.
- (2) If the scheme of insurance in lieu of the present pension system is not accepted, the procedures for calculation and sanction of pension should be radically simplified on the lines indicated in para. 8.7.14.

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8.18 1 At present, the rate of compulsory contribution to the General Provident Fund by the employee is 6 per cent. Very often the employee asks for loan from the G.P.F. The rules provide for grant of such advances for certain definite purposes. The employee applies for grant of a number of loans even before he has paid back the loan he has previously taken. There is also a provision in the rules that final withdrawal from the Provident Fund can be made for certain purposes, subject to certain conditions. Provident Fund has thus come down almost to the level of a bank account. Government is required to maintain accounts in favour of the employee, of all these transactions, just like a banker thereby increasing the administrative cost. Further, the accounts of G.P.F. are kept in the Accounts Offices in a most disorganised state. For years correspondence goes on for rectification of discrepancies and tracing of credits. In view of the advances made in the banking facilities, including the Post Office Savings Bank facilities, the concept of a G.P.F. for Government servants in which there is no element of contribution by Government, has become anomalous. We, therefore, suggest that the compulsory contribution at the rate of 6 per cent now in force may be taken in the shape of additional premium under the insurance scheme for conferring enhanced retirement benefits. Loans for purposes now permissible under the rules for advances from the Provident Fund accounts may be granted on the

insurance policy. We thus recommend a total abolition of the Provident Fund system. If it is considered that savings of the Provident Fund type are essential, Government may evolve a scheme of annuity deposits for civil servants, which may be operated by the State Bank or the Post Office Savings Bank.

8.18.2 We recommend that the G.P.F. scheme may be abolished; if this is not acceptable, it may be replaced by a scheme of annuity deposit to be operated by the Banks.

RECOMMENDATION FOR ACTION
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8.19.1 We have recommended above that pension should be fixed in whole rupees, thus avoiding calculations in paise. A similar simplification should be introduced in fixing the sums for commutation of pension. These sums need not be calculated as at present, to the nearest paise. The same remarks apply to calculations of leave salaries, provident deductions, annual interest calculations on provident fund etc.

SIMPLIFIED PROCEDURES FOR PENSION COMMUTATIONS ETC.

8.19.2 We recommend that the amounts of pension commutations provident fund interest, leave salary etc. should always be expressed in whole rupees.

RECOMMENDATION FOR ACTION
(61)

CHAPTER IX

RESHAPING THE PUBLIC SERVICES FOR NEW SOCIETY

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9.1.1 Our terms of reference are too wide in scope to be covered exhaustively within the limited time. We have, however, made a critical survey of the present scene and in the course of this survey we have made it a point to study in detail a number of the situations now facing us. We feel, therefore, that our recommendations for remedial measures are not just broad generalisations like the Ten Commandments but are precise as steps or as starting points for the agencies concerned later with the work of implementation. For example, in regard to the regulations pertaining to discipline, for instance, we have gone even to the extent of including in our Report an exhaustive draft bill entitled the "Civil Services Bill", the enactment of which, we feel, will transform the present amorphous position into one of clarity and facility of administration.

9.1.2 The administrative machinery, of which bureaucracy is only a part, is after all an instrument which the people have to use in managing their affairs. Basically, as implying food, water, air and shelter, these affairs are changeless. But the

means of provision, production and improvisation are ever-changing, more so in the present age of scientific innovation. The administrative machinery should, therefore, be capable of change so as to be able to keep pace with the changing patterns in provision, production and improvisation. Therefore, while the broad essentials of the administrative machinery may remain the same, there can be no permanent and rigid framework for every detail in its structure. There will always be problems which require impartial objective assessment and which, sometimes, can be tackled only by the trial and error approach. The maintenance of the administrative machinery is, therefore, a continuous task requiring constant attention from the people.

9.2.1 The human element is the dominant one in the administrative set-up. Any flaw which upsets this human element operates as an inhibition and will so lead to loss of efficiency. A half century ago, or even a quarter of a century ago, implicit obedience to authority was regarded as the only rule and efficiency was sought to be maintained by fear of punishment in a traditional master-servant relationship. Authority, once entrenched, made its own rules to create and perpetuate its own privileges, status and caste. But, today, as

democracy has taken deep enough roots in our soil, this master-servant relationship has given place to a give-and-take relationship in which what man owes to society is weighed against what society owes him in return. This new relationship which is enshrined in our Constitution is, however, different from the give-and-take bargains for commodities and services in the market because it recognises that society must survive if the individual is to live well and that, therefore, in the face of a common danger the interests of society must prevail over those of the individual.

9.2.2 This new give-and-take relationship can never be so precise as the older one of implicit obedience to authority. It is ever subject to debate and negotiation. Those immersed in the old traditions of implicit obedience - and there are many of them - are horror struck at the present day manifestations of defiance of authority. They are right, though it may be said that they have failed to distinguish what gives rise to disruptive negativistic behaviour, from what encourages inventiveness and initiative. But neither they - nor, even, those champions of the new relationship have taken the trouble of overhauling the administrative machinery for meeting the new needs. Administrative leadership, unlike social or political leadership, has long suffered from grievous neglect.

9.3.1 We have made several recommendations for meeting the new situations. In doing so we have drawn pretty well from the experience of other countries. "Experience" has to be distinguished from "capacity for experience". There would be the person who, not convinced when another person burns his finger in fire, will persuade himself to put his own finger in the fire for the sake of a direct experience. Then there is the other fellow who, seeing another person burn his finger, will avoid a similar situation for himself. It is this other fellow who has the better " capacity for experience". If then we have drawn on the experience of other countries it is in this light we are doing so and not out of any unreasonable fascination for things foreign. An innovation need not be rejected just because it first originated outside India.

9.3.2 Our recommendations pertain to service structure, promotion policies, discipline, morale and incentives and we feel that their overall effect will be to enable the civil servant to identify his personality with that of the Government for which he works, in a fuller measure than hitherto.

9.3.3 We have suggested basic changes in the structure of the civil services. We have

recommended that the present system of classification of the posts and services into four classes, viz., Class I, Class II, Class III and Class IV or their equivalents, and into the Gazetted and Non-gazetted categories should be abolished and that the existing rules and regulations based on such a classification should be suitably amended or replaced by alternative provisions which will achieve the purpose served by these rules and regulations.

We have asked for a very much wider base than at present for recruitment at various levels so that talented men with technical as well as non-technical background can find their due place in the leadership of the administrative machinery. We have felt that all services designated hitherto as Class I Service, technical or non-technical, should be brought under the framework of identical conditions of service. In doing so we attach importance to the need for developing among higher public servants a feeling that they belong to a common public service.

We also recommend that the constitution of a Civil Service of India, for manning the higher managerial and policy-formulating posts comparable to the posts of Joint Secretary to Govt. of India or the Divisional Commissioner in the State and above, in the technical and the non-technical areas. The selection

to this Service should be made from amongst the members of all the technical and non-technical services in the States and at the Centre and also from the private sector.

We recommend that all jobs under the Central and State Governments held by full-time civil servants should be classified on the basis of similar or comparable difficulty, responsibility and qualifications requirements.

We have asked for this scientific classification of all posts which is to be achieved through the adoption of the position classification scheme, so that the Directive Principle in Article 39(1) of our Constitution "that there is equal pay for equal work" be given effect to in the fullest measure and so that the present contradictions (such as the one implied in the "district experience" hypothesis) are avoided.

We have felt that the entire range of posts and services under the Central and State Governments can on the basis of the above classification scheme be covered by twelve grades.

We have suggested identical pay scale for each grade. The pay scales suggested are as close as possible to the pay scales which are applicable at present to the existing comparable posts and Services. Thus twelve pay scales would cover all the posts and Services under the Central and State Governments, resulting in uniformity in

they are helplessly caught in a trap. Not every officer, who today works for the government feels a total identification of his personality with it nor does he draw his spiritual and physical satisfaction from it fully.

These have adverse effect on morale and efficiency and should therefore go. We have to have our men in a state where they may be able to run the administrative machine with earnestness and sincerity, faith and a sense of freedom.

9.4.2 We believe that an administrator is not born overnight. He cannot be created by a simple test which he takes on the basis merely of an average general college education. He has to be created through a conscious-process of career development. The top civil servant is one who should possess several specialities. He is a man who should develop specific skills and acquire a vast experience of handling men and matters both at the desk and in the field. He is an administrative functionary who will have to be found from a wider field.

A Civil servant does not become a good administrator imply because he belongs to a particular Service. In terms of skills needed for the policy, executive and managerial post, we lay emphasis on the following:-

Skills in top policy posts:-

translating laws, government policies and Cabinet decisions into programmes.

integrating the work of one department with all others.

integrating the different functions within a department into a comprehensive whole.

interpreting the technological professional and specialised needs to Ministers and Parliamentarians.

advising Ministers on probable political effects of decisions, programmes and operations.

detecting trends - technological, economic, or political - and adjusting programme operations as needed.

guarding the interests of Indian in general against the special interests of some.

ensuring probity and honesty of staff, programme and services so that the public is well served.

Skills in executive posts:-

coordinating the functional parts of the organisation.

maintaining the continuity of the organisation by obtaining men, money, resources, space, influence to support its programmes.

planning operations, scheduling them, estimating men, money, and resource needs, giving leadership to operating staff and coordinating staff and line.

designing new organisational structure to meet new situations.

influencing staff to self-development.

bringing about effective change in people as programme changes becomes necessary.

Skills in managerial posts

developing an effective team of specialists.

planning the work to be done by them, assigning them work and helping them overcome technical problems.

organising the work flow both within and outside the work team.

motivating employees to high productivity and high quality.

reporting progress to higher levels and seeking decisions on men, money and other resources needed to maintain an effective work team.

controlling the officers and staff working under him.

As such a civil servant who possesses such skills will have to be combed out of all services, located, trained, tested and enlisted.

3.4.3 Our recommendations are all directed towards the single goal of reshaping our public services so that they may, with sympathy, enthusiasm, devotion and zealous-regard for the honour

of the nation, maintain and serve the lofty ideals,
aspirations and tasks of our free society.

Sd/-
K. N. Nagarkatti,
Chairman.

Sd/-
R. S. Khandekar,
Member.

Sd/-
R. S. Gae,
Member.

Sd/-
Dr. M. S. Patel,
Member.

Sd/-
Dharam Yash Dev,
Member.

Sd/-
N. Chidambaram,
Secretary.

New Delhi,
December 13, 1967.

SUMMARY OF THE RECOMMENDATIONS

SUMMARY OF RECOMMENDATIONS

CHAPTER II

Personnel System to-day : Strength and Weaknesses.

1. The system of classification of the posts and services into four classes, viz., I, II, III and IV or their equivalents, and into the 'Gazetted' and 'Non-gazetted' categories should be abolished. The existing rules and regulations based on these divisions should be suitably amended or replaced by alternative provisions which will achieve the purpose served by these rules and regulations. (2.1.10)

2. All Services designated hitherto as Class I Services, technical and non-technical, should be brought within the framework of one set of unified conditions of service. For this, the following steps are recommended:

- (i) The competitive examination for recruitment to the non-technical higher services should be common to all the Services.
- (ii) In case the existing pattern of examination is continued for this common competitive examination for recruitment to the non-technical higher services, the maximum marks for the compulsory subjects should be raised to 700, keeping for the optional subjects 800, and for viva voce 200, so that a more balanced type of intellectual candidates gets into the top ranks.

- (iii) In this common examination, the optional subjects should include many new subjects like Engineering, Chemical Technology, Medicine, Agriculture, Architecture, Law, Textile Technology, Accountancy, etc., so that, firstly, technical graduates who now constitute the majority of first class boys look to these Services instead of seeking service abroad, and secondly, so that Government can secure the services of the balanced type of intellectuals with technical as well as non-technical background from the universities for the multi-sided requirements of governmental work.
- (iv) The maximum age limit prescribed for those competing in the examinations for recruitment should be raised to 28, so that professional and technical graduates may be eligible for taking the competitive examinations in large numbers. Successful technical and professional graduates should be given two years' seniority over the others to compensate for the longer period spent by them at the universities. We recommend further that the ultimate objective should be to remove the age limits for participating in the competitive examination for recruitment to Government service.
- (v) The present technical higher Services should be brought under conditions of service identical to those of higher non-technical Services except for the

recruitment examination being in the specialities pertaining to each higher technical Service.

- (vi) All the different Services should have identical pay scales for posts at comparable levels. Consequently, the pay scales for the entry grade in all Services should be the same.
- (vii) Recruitment to the present Class II Services on the basis of the examination for recruitment to the higher Services (technical and non-technical) may be discontinued. (2.2.6)

3. Persons belonging to the Scheduled Castes and the Scheduled Tribes should be placed in such appropriate positions where their special aptitudes could be usefully employed. For example, they can be given appointments in the field in areas where special projects are undertaken for the welfare of Scheduled Castes and Tribes. (2.3.2)

4. The recruitment of clerks should be made on the basis of a simple competitive examination by the departments. If the present type of examination for recruitment is continued, it may consist of a written essay on a simple subject and a piece of dictation to be taken by the candidates (which gives an idea of handwriting and spelling) and writing a precis of it. A paper on Arithmetic should also be included. For promotion examinations for clerks similar simple

tests may be devised. (2.4.2)

5. (1) Work standards should be evolved for all levels of jobs by undertaking special studies by experts; and the requisite strength of staff at the various levels should be determined on the basis of these standards.
- (2) The task of evolving the work standards and the determination of the strength of staff should be entrusted to the Organisation and Methods Division under the supervision of the Central Personnel Agency.
- (3) The staff rendered surplus as a result of the adoption of the work standards should be absorbed elsewhere wherever corresponding vacancies may exist, or provided with alternative employment in suitable posts. For those who cannot be absorbed in any other vacancy under Government, a scheme for retirement should be evolved.
- (4) The institution of orderlies in the present day has developed into an anachronism. We recommend that to start with a reduction of at least 50 to 60 per cent of the orderlies in administrative offices should be made, spread over the next five years. This should be followed by a rapid increase in office amenities, such as telephone, PBX, telex, franking machines, computers in State-owned factories, etc., etc. (2.5.3)

6. (1) Specialisation in skills and knowledge should be built up in the Services by allowing persons to continue in particular areas or fields of administration for a minimum period of 8 to 10 years. Transfers at short intervals from one branch to an altogether different branch of work should be avoided, as far as possible.
- (2) As in the present day personnel system the need for posting a person according to his aptitude is not fully met, the placement policy of Government should be revised and, in spite of the present rigid Service barriers, opportunities should be provided for inter-Service mobility in accordance with the aptitudes and skills of persons.
- (3) For manning the posts at higher levels in the Secretariat and other similar organisations, which are to-day in practice filled by drawing persons from only a few Services, selection of persons of ability and talent should be made from as wide a field as possible. To achieve this, (a) there should be no reservation quotas as is the case to-day of such posts for one or two Services alone, (b) the selection of candidates for these posts should be made from amongst all the technical, professional, specialist and non-technical Services, on the basis of an examination to be conducted by the Public Service Commission

in which those who have put in nine to twelve years of service may compete; and (c) for this purpose, the bio-data of all eligible persons should be maintained by the Personnel Agency entrusted with the selection.

- (4) To facilitate placement, the bio-data of persons selected on the basis of the examination should be maintained by the Personnel Agency concerned.
(2.6.19)

7. A "Civil Service of India" or "Federal Service of India" should be constituted for manning both in the State and at the Centre the higher managerial and policy formulating posts which are above or comparable to the posts of Joint Secretary to the Government of India at the Centre or the Development Commissioner in the States, in the technical and non-technical areas. The selection to this Service should be made from among the members of the technical and non-technical Services in the States and at the Centre having a minimum of 15 years of service, against 75% of the vacancies, and from amongst the persons of the age group of 40 years and above from the open market for the remaining 25% of the posts. (2.7.5)

8. (i) Personnel Agencies should be established in each office or department or ministry in the Centre and the State with the specific

functions of personnel management. Specially trained persons should be placed in charge of these personnel agencies. They should be called Personnel Officers. To deal with the policy matters of personnel administration and to give guidance to the Personnel Agencies, there should be a Central Personnel Agency both at the Centre and the States.

- (ii) At the Centre, the Central Personnel Agency should be located in the Cabinet Secretariat. In the States it may be located under the Chief Secretary. (2.8.4)

CHAPTER III

Promotion Policy and Salary Administration

9.
 - (1) Services where promotion avenues are limited should provide for a selection grade at 10 per cent of the strength of the entry grade to which direct recruitment is made. Accordingly, some of the present Class II Services and other Services should have 10 per cent of their entry grade in a selection grade.
 - (2) The promotion quota for departmental candidates to higher levels to which direct recruitment from the open market by competitive examination is made may be increased to 50 per cent in cases where the existing percentage fixed for promotion is lower than 50 per cent.
(3.1.10)
10.
 - (1) The Personnel Branch in each department should be entrusted with the work of framing the rules regulating the promotion in accordance with the directions and principles laid down by the Central Personnel Agency. These rules should be framed in consultation with the UPSC/PSCs, wherever necessary.
 - (2) In respect of the higher posts, the Departmental Promotion Committee should include a representative of the Central Personnel Agency, in addition to a Member of the UPSC/PSC.

- (3) In the larger interests of the administration, Members of all PSCs should be persons who are not associated or concerned with any political party in the country.
- (4) A probationary period should be prescribed for promotion.
- (5) A minimum period of service in each grade should be fixed before an official can be considered for promotion to the next higher grade.
- (6) The promotion should be regarded as subject to any order that may be passed on representations, if any, received within a month of ordering the promotion, or pending at the time.
- (7) Fitness of promotion should be determined on the basis of the requirements of the posts to which promotion is made. Persons who are considered unfit in one promotion post and who may be found good enough for other posts at the same level should be given opportunity to work in such suitable posts.
- (8) In relatively less important positions to which promotion is made on the basis of seniority subject to the rejection of the unfit, employees may be promoted subject to their suitability being determined by a trade test. (3.2.9)

11. (1) Civil servants working in the lower posts should be given an opportunity to compete in the combined competitive

examination held for recruitment to the higher Services, such as I.A.S., I.F.S. etc. by permitting age relaxation up to 35 years. They may be allowed a maximum of two chances to appear in the examination. Ten per cent of the vacancies against the direct recruitment quota may be reserved for being filled up by the successful candidates in this examination.

- (2) There should be a provision for lateral entry into Government service of persons with specialised knowledge and experience, from Universities, National Research bodies, Industry and Trade, etc. and the open market. Age relaxation upto 45 years may be allowed in such cases.
- (3) Exchange of personnel working at the middle management levels between the private sector, quasi-government institution, Universities, etc. and Government organisations may be encouraged in selected field, in order to enrich their experience and understanding of the inter-related problems and in order to bring about better administration.
- (4) No deputation postings other than for training purposes may be permitted in the Central Secretariat below the level of Deputy Secretary, and in the State Secretariat below the level of Joint Secretary. Deputations may, however, be permitted at all levels

in cases where persons with the requisite special qualifications and experience may not be available in the Services concerned.

- (5) The principles for deputation should be laid down by the Central Personnel Agency indicating the percentage, quotas, periods, areas, etc., so that, as far as possible, a uniform policy is followed in all Services and cadres. (3.3.7)

12. (1) Qualifying or competitive tests as methods for testing the fitness for promotion may be introduced not only at the lower levels but also at the higher levels, immediately upto and including those comparable to Deputy Secretaries to Government of India. The tests should be evolved on scientific lines based on psychometric methods used to assess the supervisory and leadership abilities. It should be extended to still higher levels, in due course.
- (2) Certain promotion posts are filled partly on the basis of seniority-cum-fitness and the rest on merit in the Secretariat and Departments like the Railways, Posts and Telegraphs, etc. This system may be continued at the lower levels.
- (3) There should be in each Department a machinery for considering the representations against non-selection to promotion posts. A senior officer

of the department, a member of the disciplinary tribunal and a representative of the Personnel Branch may constitute this machinery. In the case of senior officers, this machinery should constitute the Head of the Department, a senior officer of the Central Personnel Agency and a senior member of the Administrative Tribunal.

- (4) Seniority lists in each Service should be periodically published. The principle for determining the seniority should be clearly laid down. Seniority should generally be determined on the basis of regular and continuous working in the grade concerned.
- (5) Suitable short term training courses should be arranged for officers promoted in order to fit them into their new responsibilities.
- (6) All Class I officers should be given a short course of training with, or preferably as Magistrates, to give them a working knowledge of the procedures regarding enquiries, recording evidence, etc.
- (7) The supervisory staff should, under a regular procedure, be periodically sent to the Staff College and management training institutions for short courses in order to develop and refresh their managerial and administrative talents. They should be encouraged to take study leave to equip themselves

with additional skills and knowledge.

- (8) The Heads of Departments should be called upon to display greater initiative and interest in getting the staff working for them, trained in the various training facilities available to them. They should also encourage them to avail of the study leave facilities to go for advanced or specialised courses in their respective fields of work.

- (9) Physical training should also be given a place - though a small place - in the scheme of training of officers. (3.4.9)

13. For a sound personnel management a rationalisation of the pay structure is essential, keeping in view the following principles:

- (i) The pay scales for posts of similar or comparable duties, responsibilities and difficulty and requiring same or similar qualifications should be identical;
- (ii) The pay scales should eventually be uniform for comparable posts both in the Central and the State Governments. (3.5.16)

14. (1) With suitable adjustments in the present salary structure reduction in the number of scales now in force, uniformity in the pay scales applicable to comparable posts should be brought about.

- (2) A Pay Research Unit should be set up in the Central Personnel Agency. It should apply itself continuously to the task of streamlining the salary administration and of periodically reviewing the pay scales for the Centre and the States. (3.6.4)

CHAPTER IV

Position Classification

An Essential Tool for Better Personnel Management

15. (1) All jobs under the Central and State Governments held by full-time civil servants should be classified on the basis of levels of similar or comparable difficulty, responsibility and qualification requirements, so that the principle of equal pay for substantively equal work is observed and the differences in the rates of pay paid to different employees are in accordance with the substantial differences in levels of difficulty, responsibility and qualifications requirements of the work, and in accordance with the contribution of the employees to the efficiency and economy in the service.
- (2) The entire range of posts and Services under the Central and State Governments can, on the basis of the above classification scheme be covered by twelve grades, each grade with its own scale of pay.
- (3) An enactment under Article 309 of the Constitution should be undertaken for introducing the system of position classification for all positions in the Government services.
- (4) The Central Personnel Agency should have a Cell staffed with competent and trained officers to implement the position classification.

- (5) A scheme to train officers in the methods of classification should be made and implemented.
 - (6) The Indian Institute of Public Administration and similar institutions should be asked to assist the Government in this task by undertaking special research projects. (4.1.25)
- 16.
- (1) Appropriate pay scales for each grade should be prescribed for the twelve grades evolved in the position classification scheme. Thus, twelve pay scales would cover all the posts and Services under the Central and State Governments, resulting in uniformity in the whole of the country, and replacing the hundreds of pay scales now in force. Even though increments in many of these pay scales are provided biennially, after the first five increments, they should be allowed annually to those who reach the prescribed standard of efficiency in work.
 - (2) Each existing permanent civil servant may be given an option to retain his present scale. The future recruits (both temporary and permanent) must all come under the new scales, as a result of the position classification.
 - (3) The rules and conditions of recruitment of Government service should be modified to suit the new service conditions and pay structure. (4.2.6)

CHAPTER V

Conduct Rules and Discipline

17. (1) Our recommendation is accordingly that all current rules of conduct in the States and at the Centre as also the special Acts passed as emergency measures, e.g., the Mysore State Civil Services (Prevention of Strikes) Act, 1966, etc. and the laws regarding 'public utility services', etc. should be replaced by a comprehensive enactment under Article 309 of the Constitution on the lines of our draft of the enactment appended. The Police Force (Restriction of Rights) Act, 1966 may, however, continue to be in force in regard to the Police. Subject to our observations in paragraph 5.1.9, our draft Bill is prepared on the assumption that Article 33 may have to be amended in respect of some more civil servants. This is no doubt subject to our observations in relation to Golak Nath's case referred to above.
- (2) A similar bill will have to be enacted for the States also. All Tribunals now holding departmental enquiries should fit into the revised scheme. (5.1.32)
18. (1) All higher supervisory staff should be required to have a working knowledge of disciplinary procedures, punishments and appeals; Class I officers, technical and non-technical, should be given training for three months as Magistrates during the probationary period.

- (2) Full time disciplinary tribunals should be set up for conducting enquiries against Government servants. Whole time officers trained and experienced in conducting judicial proceedings should be appointed for holding departmental enquiries. So long as Lokpal and Lokayuktas have not been appointed, the members of the disciplinary tribunals should be directly under the Vigilance Commissioners in the States and Chief Vigilance Commissioner at the Centre for administrative purposes. After the appointment of Lokayuktas and Lokpal they will be under Lokayuktas and Lokpal.
- (3) All enquiries and trials against civil servants should be 'in camera'.
- (4) Disciplinary tribunals should be invested with powers to compel attendance of witnesses, examination on oath or affirmation of witnesses, and production of documents; necessary legislation for holding enquiries against Government servants should be enacted under Article 309 of the Constitution.
- (5) Consultation with the Public Service Commission in regard to disciplinary matters as in force now should be continued. The provisions in Article 311 of the Constitution in regard to the imposition of the penalties like reduction in rank, removal or dismissal should continue.
- (6) The maximum and minimum penalty that can be imposed for each typical offence or class of offences and for the repetition

of the same offence should be proscribed, so that a certain amount of uniformity is introduced in disciplinary cases.

- (7) The item 'withholding of promotion' should be deleted from the list of penalties.
- (8) Supervisory officers should have powers of imposing certain simple forms of punishment on the spot after summary enquiries in the cases of insubordination, contempt or unbecoming conduct.
- (9) Supervisory officers who are not delegated with powers for suspending officials working under them should have powers to suspend them pending departmental action, but subject to expeditious confirmation or otherwise by the competent officer.
- (10) No official should ordinarily be kept under suspension for a period of more than six months except in cases pending in the Courts sanction of the higher authority should be obtained for keeping officials under suspension for a period beyond six months.
- (11) Officials who have been acquitted by the Court by granting them the benefit of doubt, should ordinarily be reinstated from suspension without delay pending the question of examination of the institution of the departmental proceedings.
- (12) There should be provision for appeals in the classes of cases for which no such provision now exists.
- (13) There should be an administrative tribunal in the States and at the Centre to hear appeals. The Administrative Tribunal

will be under the control of the Law Ministry in the Centre and the Law Department in the States. (5.2.14)

19. (1) Representatives of the employees on the Joint Consultative bodies and on Labour Councils should not come as hitherto only as nominees of sectional unions such as the INTUC, AITUC, etc. but should be elected by the entire employee force in the unit, each employee having one vote, such election being conducted in a fair manner by the management under the supervision, where such supervision is considered expedient, of the Labour Department. The representatives so elected can then claim to speak on behalf of the entire employee force at the negotiation table.
 - (2) The rules regarding recognition of the associations or unions of civil servants will have to be framed in consultation with the machinery recently constituted for joint consultation and compulsory arbitration for Central Government employees. Provision should be made in these rules that the associations or the unions shall use the right to strike wherever such right has been recognized, only as a last resort. Similar rules should be made in the States. (5.3.4)
-
20. (1) The Lokpal and Lokayukta, when appointed, should look after the work at present being done by the Vigilance Organisation and the Commissioner for Public Grievances.

- (2) In conducting enquiries in the Vigilance cases by the Central Bureau of Investigation or the Special Police Establishment or the Anti-Corruption Bureau or the X-Branches in the States, the Heads of Departments should be taken into confidence, as best as possible, at the beginning stage of the investigations themselves and kept informed of the position from time to time, so that the enquiries can be conducted on proper lines.
- (3) At least one senior officer in the Anti-Corruption Bureau as also in the X-Branches in the States, should be from outside the State, so that important enquiries which are undertaken by these investigating organisations, can be conducted without any mental reservations or fear of undue pressure or consequences from within that State.
- (4) A review of the cases under enquiry by the investigating officers should be made periodically in order to introduce a sense of urgency in the completion of the enquiries.
- (5) The Organisation and Methods Branch should make a special study of work procedures obtaining in some sectors of administration which have lapsed into chronic inefficiency or which are amenable to easy exploitation by corrupt elements and prescribe remedies for preventing misuse or corrupt practises. Some examples of such sectors are given in paragraph 5.4.4.
- (6) Institution of proceedings against a retired Government servant in respect

of his acts of commission or omissions during his service should be done before the expiry of two years from the date of his retirement. (5.4.6)

21. (1) There should be liberalisation of the rules regarding the eligibility of Government servants to contest elections. Excepting certain special class of civil servants the others may be given the right to contest election, subject to certain conditions and their service rights should be protected to a certain extent.
- (2) Low-paid civil servants may, with prior approval and subject to suitable restrictions, be allowed to take up part-time employment after the working hours of the office.
- (3) The apparent contradictions in the Conduct Rules currently in force as for example between the rules 12 and 15 of the Central Civil Services (Conduct) Rules, 1964, should be resolved by appropriate amendments or administrative instructions. (5.5.4)

CHAPTER VI

Aspects of Morale and Administrative Behaviour

22. (1) The morale of the Services being conditioned by the nature of the relationship between the civil servants and the Ministers, no room should be given to an impression that only a particular civil servant can get on with a particular Minister. While it is for the Minister to choose a top civil servant as his adviser, the choice should be guided only by the qualifications and the specialized experience and knowledge of such civil servants. A certain amount of anonymity among the civil services must be preserved.
- (2) The action done or service rendered in good faith by the civil servant should be defended against uninformed or unjustified criticism by the Minister, both in the Legislature and in public.
- (3) Top civil servants and others who are not in a position to defend themselves, should not be criticized by name in Parliament and the State Legislatures, as such criticism tends to affect adversely the morale and inhibit the initiative and the capacity for taking responsibility on the part of the civil servants. Therefore, the question of evolving suitable conventions should be taken up by the Presiding Officers of the Legislatures with the leaders of the House and also of the Opposition.

- (4) In order to prevent undue influence being brought to bear on civil servants directly by the elected Members of the Legislatures and by the office-bearers of political parties, Governments should issue instructions how sound and healthy relationship between them and the civil servants should be maintained and how the official business the former may have with the latter should be conducted.
- (5) The parties to which the elected representatives belong should undertake the responsibility of orienting them as well as their office-bearers in their tasks and in the proceedings for dealing with Government. For this purpose, a standard or code of ethical conduct must be evolved by the leaders of the political parties in consultation with noted jurists and eminent members of the public.
- (6) The Election Commission should be empowered to enquire into the case of use of undue pressure or influence by members of Legislatures on civil servants by enactment of suitable law by Parliament under Articles 102(1)(e) and 191(1)(e), so as to make members of Legislatures liable to disqualification for such use of undue pressure or influence.
- (7) If Parliament's intention is to confine the functions of the Election Commission to holding election prescribed by the Constitution, all the

functions of the Election Commission of enquiry under Article 103 and 191 should be made over to a separate set of tribunals (may be the Lokpal) by a suitable amendment of these Articles.

(8) Rules should be framed by Parliament under Articles 104 and 193 empowering the Election Commission (or by the successor tribunals) to examine the cases coming under those articles and to impose the penalties prescribed therein.

(9) The powers for removing the disqualifications of members of Legislatures should be subject to the review of the High Court concerned. This may require amending of the Representation of the People Act, 1951. (6.1.39)

23. Civil servants should try to build up their image with the people by their sincerity and earnestness with which they do the work allotted to them. For example, if civil servants are required to tour in the interior and halt some nights in the villages in connection with their work, they should do so in a real and effective manner, and for this purpose re-introduce touring in tents as an obligatory routine. If Government requires that doctors in charge of rural dispensaries, officials in charge of schools, irrigation projects, etc., should stay in the villages instead of trying to rush back to their city dwellings. (6.2.4)

24. Special concessions should be given to those working in specially hazardous areas or occupations

such as grant of additional leave, greater pensionary benefits, etc. (6.3.2)

25. A rule should be laid down that orders given orally or given on the telephone must, as soon thereafter as possible, be reduced to writing and should be got confirmed by the authority giving such orders. (6.4.2)

26. (1) Good inter and intra-Service relationship should be fostered among the civil servants to build up morale. This should be done by re-arranging the system of working which will deliberately eschew the undesirable social and cultural practices tending to produce divisions and emotional barriers among civil servants along status lines, and which will lay emphasis on better administrative modes of communication, acquisition and use of professional skills and expert knowledge and healthy co-operative endeavour on the part of the civil servants.
- (2) Such practices and procedures both within and outside the office should be adopted as will enable a better understanding of each other as human beings and foster a spirit of fellowship among the civil servants.
- (3) In order to secure the active participation of the employees in the objectives of the organisation, staff suggestion committee should be set

up in each office under the chairmanship of the Head of Office and periodical meetings of the staff committee should be held to discuss many of the day-to-day problems and to consider the suggestions from the employees in this connection. The participation of the employees in the management functions should be extended to areas where there will be no conflict of interest, or incompatibility with the law or the official duties of the employees.

- (4) In order to ensure that the leadership of the Head of Office is maintained and greater co-operation of the staff working under him is ensured, there should be adequate delegation of authority to the Head of the Office and other authorities down the line, so that most of the problems of the organisation and also the individual problems of the employees in regard to their service rights are tackled properly at the respective levels.
- (5) Clear and comprehensive instructions on the work to be done at the various levels should be laid down and explained clearly to the employees. Similarly, the channel of communication, both up and down the line, should be made smooth, so that rumours, undesirable propaganda, etc. in the organisation are eliminated to the maximum extent possible. (6.5.6)

27. (1) In order to remove the sense of insecurity among temporary employees, all such employees who have put in

continuous service of five years under Government should ipso facto be deemed permanent.

- (2) In order to infuse confidence in themselves and ensuring the independence of their judgment among the higher civil servants, they should be given the right to retire from service on proportionate pension and gratuity any time after completion of 18 years of service.
- (3) Frequent changes in the age of superannuation create suspense and sense of insecurity. There should be uniformity in the age of superannuation. It should rather be increased than lowered in view of the improving trend in the standards of health and in the average span of active life of the people in general.
- (4) In order to inspire confidence in the fairness of the methods adopted for retiring civil servants for reasons of their unsuitability or inefficiency, etc. at the age of 50 or after the completion of 25 years, the list of such persons should be drawn up by a high-powered committee. For Class I civil servants, the committee may consist of the Cabinet Secretary, the concerned Secretary and the Home Secretary at the Centre, and the Chief Secretary, the Head of the Department and the concerned Secretary, in the States. Similar committees should also be formed for staff at the lower levels.
(6.6.5)

28. (i) Sometimes transfer of civil servants from one station to another are ordered on account of extraneous pressures. This practice weakens the morale of civil servants as a whole. Transfers should be ordered only when they are unavoidable, such as the occurrence of the vacancy in a different station; the demand for the services of persons with specialized experience not available in the same station, etc.
- (ii) Retention of persons with special experience in a project or a specific assignment till its completion is best secured by making specific provisions in the rules, such as conversion of the project into a temporary corporation by statute or under the Indian Companies Act, for the period of its implementation, grant of promotion to the person working on a specific assignment when his turn for promotion comes by upgrading the post or under the next below rule.
- (iii) Research workers should, if they become no longer capable of useful or fit for research, be transferred to education or technical departments where they can continue to work as career civil servants.
- (iv) Officials working in pay scales below a certain level, say, drawing below Rs.350/- p.m., should not, as far as possible, be transferred from one station to another. When the exigencies of the service so require, they may be transferred from one office to another in the same station or a nearby station. (6.7.7)

29. There should be a common motto for all civil services, such as :

"सह वीर्यं कर्वाव है"

OR

"सिद्धिर्भवति कर्मजा"

(6.8.2)

30. (1) There should be one organisation at the Centre and a similar one at the States to look after the task of reform and improvement of administrative procedures and methods. The O&M units in the Centre and the States may be entrusted with this work. The O&M unit at the Centre may function under the Department of Administrative Reforms which should be in charge of implementation of the recommendations of the Administrative Reforms Commission. The O&M units in the Centre and the States should continually examine the justification for the growing strength of personnel and of the multiplication of offices in Government with a view to checking the proliferation, and take up the work of simplifying the procedures and methods of working in Government offices in order to expedite the processes of decision-making and implementation of programmes.

(2) The methods of working in Government offices should be overhauled by a high level committee consisting of competent and experienced persons including an officer from the Indian Audit Department and replaced by a set of rationalised, efficient and expeditious

procedures in keeping with a modern and dynamic administration. The various books of rules and regulations like the Civil Service Regulations, Fundamental and Supplementary Rules, various Office Manuals, etc. should be got re-written in the light of the changes made. Certain specific examples of simplified procedure are given in para.6.9.11.

- (3) The office manuals and book of rules and regulations should be issued in unbound form with arrangements for removing or inserting corrections, amendments, etc. in loose sheets.
- (4) Pension clearance procedures should be revised, following the examples of Madhya Pradesh and Maharashtra. The excessive emphasis on verification of service should be relaxed. The service books should be regarded as adequate evidence without a cent per cent verification.
- (5) Every office must have its own arrangements for receiving moneys on its own receipt books and for crediting the total collections now and then in the Treasury. The challan system should be used in exceptional cases. The practice of taking fixed fees, such as for licence in radio and Central Excise renewals, in the shape of stamps similar to court fee stamps should be introduced wherever practicable.
- (6) Rebate system should be made more frequent use of in order to reduce clerical transactions. Examples are the reduced charges

for renewal of radio licence for a three years' period at a stretch and, in Maharashtra and other States for registration of a car or truck for a whole year at a time.

- (7) A sense of participation and involvement with the organisation should be developed among the staff and the public dealing with the organisation through the introduction of suggestion books and suggestion boxes.
- (8) A consciousness of economy should be generated among the civil servants. In order to encourage this, it may be provided that where economy is effected in the expenditure on electricity, stationery and other contingencies in comparison with previous average expenditure on such items, a portion of the amount saved will be diverted as grants for welfare activities and for other amenities to the staff.
- (9) Measures intended to bring about economies should not lead to dilatory or inefficient functioning of offices. For example, in order to effect economy in travelling expenditure journeys which take more than twelve hours by rail travel but which can be conveniently done by air should not be required to be made by officers by rail. Bad quality papers which will affect the working or which will throw a strain on the employees should not be required to be used to save a small amount on the expenditure on stationery.

- (10) Labour saving devices, such as franking machines, copying machines, etc. should be installed on an increasing scale in Government offices.
- (11) All offices having public dealings should have good reception arrangements.
- (12) The canteens and tiffin room facilities for staff should be provided for in well-ventilated rooms and maintained in clean and hygienic conditions.
- (13) To prevent loitering of staff, tea and light refreshments should be arranged to be served at their work desks.
- (14) Telephone and inter-communication facilities and telephones be much more freely provided to enable easy communication and contact within the officers and the staff.
- (15) The layout of the offices should be properly arranged to avoid overcrowding of staff and to ensure smooth flow of work, without duplication of effort or movement.
- (16) Stationery and equipment for office like furniture, storage space for records, etc. should be standardized.
- (17) Hot and cold weather arrangements and lighting arrangements should be conducive to working without strain or discomfort.
- (18) Government offices should, as far as possible, be located in departmental buildings, especially those having direct dealings with the public, instead of in rented accommodation.

- (19) The seating arrangements in offices should enable proper supervision by the supervisory staff. Officers should not work in closed rooms, screened and separated altogether from the staff.
- (20) Greater financial powers should be delegated to subordinate authorities for hiring accommodation for offices, so that commodious and centrally located buildings which will provide comfortable working conditions to staff, can be rented. (6.9.26)

CHAPTER VII

Work Motivation, Incentives &
Performance Evaluation

31. (1) Selection procedures should be so devised as to get a greater proportion of achievement-motivated persons into Government service despite the limitations inherently imposed by the society as a whole.
- (2) The norms set for achievement should be higher than those of the society but should not be so high as to be impossible of achieving them.
- (3) The arrangement of work in Government should be such as to enable identification of the contribution individually from those engaged in the task, so that it will be capable of being assessed and rewarded and emulated by others. (7.1.9)
32. (1) There should be arranged training courses in achievement-motivation for officials.
- (2) Cross-mobility between the business, academic sector and the Government sector should be promoted. (7.2.2)
33. (1) A close association of the employees with the management of the organisation in regard to matters which directly affect the employees should be secured by having consultative machinery in which the employees and the management should discuss the work and the problems of the organisation in periodical meetings.

- (2) In dealing with the employees, allowances for the individual traits of each should be made. The administrative methods for rewarding the employees or punishing them and getting the best out of them should be accordingly adjusted.
 - (3) The motivating factors such as the self-esteem, recognition from others, and self-development which an employee seeks, should be the basis on which the methods and procedures for achieving the objectives of the organisation should be built up.
 - (4) While there is need for adopting the methods such as imposition of punishments for acts of commission and omission of the employees, positive incentives such as the prospects of advancements to the top positions, attractive conditions of service, convenient working hours, adequate leave, promotional avenues, medical facilities, retirement benefits, housing and other welfare measures, should be liberally employed.
- (7.3.10)

34. (1) Standards of work should be evolved and output above the prescribed standards should be rewarded by additional monetary **payments** or other rewards. At the same time, output below the standard should involve reduction of monetary compensation payable for overtime work over a period of a month.

- (2) Overtime work should be permitted under the orders and done in the immediate presence of the supervisory staff.
- (3) Hourly rate of overtime payment should be prescribed only in cases where output could be measured. For other types of work overtime working should be compensated either at a fixed rate irrespective of the hours of work, or by grant of compensatory leave.
- (4) No staff should be brought on to work on holidays. In unavoidable cases compensatory leave for those brought on duty should be given.
- (5) A maximum limit for overtime work should be laid down in a week. It should not exceed normally one-fifth of the weekly working hours in a week.
- (6) Corrective action should be taken in respect of civil servants who do not come under any overtime scheme and whose output has been noticeably below the average.
(7.4.10).
- (1) Budget provision for making financial awards under incentive schemes may be made at a minimum rate of one per cent of the provision under salaries and allowances.
- (2) The system of grant of commendatory certificates, honorary titles, medals, etc. to civil servants in recognition of outstanding or exemplary performance of duties may be enlarged. Some of these

awards may carry with them certain financial benefits, such as a fixed monthly allowance or a payment of a lump sum.

- (3) Advance increments, cumulative or non-cumulative, may be granted in recognition of meritorious performance. (7.5.6)

36. (1) Incentives to a group of employees especially those engaged on developmental projects may be granted if the projects are completed substantially before the scheduled date. Such incentives may be in the shape of a grant of bonus of one or two months' pay. Special provision may be made in the budget as a small percentage of the total capital cost of the project.

- (2) Economies effected by concerted effort on the part of a group of workers may be earmarked for being spent on some welfare amenities for the staff. (7.6.5)

37. Punctual attendance over a long period of time may be recognized by grant of a token gift, such as a pen, time-piece, etc. Similarly, frequent late attendance should be curbed by punishment such as imposition of fine, loss of pay, etc. (7.7.2)

38. Civil servants who pass the departmental examinations with merit may be granted advance increments. They can also be considered for deputation vacancies carrying additional allowances. (7.8.2)

39. Encouragement may be given to the staff to acquire special skills, by institution of prizes, cash awards, grant of advance increments, etc.
(7.9.2)

40. Holidays should be restricted to the barest minimum. The system of declaring one day only as holiday as the Martyrs' Day or the Founder's Day instead of a number of days in honour of the memory of different persons should be introduced. The number of religious holidays may be reduced to a maximum of seven days, three for Hindus and one each for Muslims, Sikhs, Christians and Buddhists. For all religious or other important days the persons concerned may be asked to take leave. Every second and fourth Saturday in the month may be declared as a holiday, after the reduction in the number of holidays. (7.10.2)

41. A systematic study of the question of provision of incentives in each department should be undertaken by Government in co-operation with such Institutions like the Indian Institute of Public Administration, the Indian Institute of Management, etc. (7.11.2)

42. (1) Each civil servant should submit a brief report in his own words on the work done by him. He may mention any difficulties or other factors which

came in his way. This report should be taken into account in the appraisal of his work and will be attached to his performance evaluation report.

- 2) The performance evaluation report should be written in two parts: one in the graphic, and the other in the narrative form, as prescribed by us.
- 3) Three officers should be associated with the writing of the report: (a) the immediate superior officer (the reporting officer), (b) the next higher authority (the reviewing officer), and (c) a senior representative of the Personnel Branch who should be a higher grade than that of the officer reported upon.
- (4) Immediately after the report is written, it should be shown to the employee, and his signature obtained in it in token of compliance with this procedure.
- (5) For certain categories of officers a potential appraisal report in the form prescribed by us should also be maintained.
- (6) Twenty per cent of the supervisory staff should by turn be interviewed individually each year by a Committee consisting of the Reporting, Reviewing and Personnel Officers during which the work of the official should be discussed and a brief note of the discussion should be kept in the file containing the evaluation reports.
- (7) A political executive should be required to write the annual report of only his

personal staff. In respect of other high officers working directly under him he may give his remarks on such occasions when he specifically wants to make the remarks or when he demits office.

- (8) The employee should be given the right to make a representation against the remarks made in his annual report.
- (9) The Deputy Commissioner who is required to give a general report on the other officers not working directly under him, should send his remarks to the reporting officer concerned.
- (10) The instructions for safe custody of the reports should be issued by the Central Personnel Agency.
- (11) The overall evaluation of the report should be made by the departmental promotion committee or the concerned authority only into three categories: "unfit for promotion", "fit for promotion" or "outstanding". (7.12.14)

CHAPTER VIII

Welfare Schemes and Retirement Benefits

43. Welfare schemes for the employees should receive special attention under the guidance of trained officers, as has been done to a certain extent in the Central Secretariat, the Railways and the Posts and Telegraphs and in the Defence Forces. (8.1.3)

- 44.
- (1) There should be a policy of freezing of rents of houses along with freezing of prices of essential commodities and wages of the staff, so that the real income of the employee is not eroded by inflation.
 - (2) Allotment of houses to Government employees should be made in such a way that the employees are housed in the neighbourhood or not far from their offices.
 - (3) Legislation on the lines of the law for consolidation of land holdings may be considered, to enable exchange of accommodation on a large-scale among the employees in a manner which will result in their living in the neighbourhood of or not far from their offices.
 - (4) In order to reduce the cost of construction and therefore to keep rents low, housing colonies for Government servants may be developed on sites

outside or near the perimeter of the city where land and building materials would be cheap. Less expensive but, at the same time, durable building materials should be used for construction, such as the use of mortar or cheap bonding materials such as pesticide-treated clay, instead of cement, etc.

- (5) Existing measures for easing the position of housing accommodation by construction of houses through co-operative housing societies, grant of loans from L.I.C. and duly recognized financial institutions, allotment of land at reasonable prices, hiring hostel accommodation, etc. should be continued.
- (6) To avoid over-crowding and consequent problems of transport, high rents, etc., Government offices should be dispersed and located in suburban areas and even in smaller towns.
- (7) Construction of multi-storeyed blocks of flats should be the rule in cities and bigger towns.
- (8) Rules for allotment of Government accommodation should enable allotment to the employee on the basis of his first appointment as civil servant, irrespective of the date on which he has become eligible for getting the appropriate type of Government accommodation.
- (9) The procedure for collection of rent for Government accommodation should

be de-centralized.

- (10) The time taken for completion of the construction of Government houses and making them ready for allotment should be reduced by proper and effective co-ordination among the various authorities concerned. Cases of inordinate delay are unfortunately too common. (8.2.2)

45. Transport to and from Government colonies and public offices may be arranged by Government on payment of reasonable charges, by hiring public conveyance running in the city or by arranging the bus services on suitable routes. (8.3.2)

- 46.
- (1) The Central Government Health Scheme available in Delhi to Central Government employees should, as far as possible, be extended to all civil servants in other areas and should replace the present reimbursement schemes for provision of medical facilities.
 - (2) In places where separate provision for treatment of Government employees is not possible, separate wings may be provided in the Municipal or State Government Hospitals for the treatment of Government employees and supply of medicines to them.
 - (3) Under the schemes for reimbursement of the cost of medical treatment and administration of medicines at present applicable, the rules should provide

for the reimbursement of the cost of essential and ethical drugs only and not of preparations (e.g. vitamins) . which can as well be categorized as special food or tonics for making up nutritional deficiencies of food by persons in normal health.

- (4) As the system of reimbursement of the cost of medicines purchased from the market is open to abuse, arrangements should be made for supply of the medicines from the Government or Municipal Hospitals or Government Medical Stores, or Government-supervized Co-operative Stores, or from Government factories manufacturing medicines.
- (5) Steps for encouraging family planning among Government employees should be taken by Government as a special measure. C.G.H.S. facilities should be on a lesser scale as the family increases beyond a limit.
- (6) The monetary contribution from an employee under the Central Government Health Scheme should be based on the number of entitled beneficiaries in his house. (8.4.5)

47. Employee counselling and guidance should receive urgent attention. The Supervisor should be the main person who should undertake this work at the initial stage. The Supervisor and Welfare Officers required to do this work should be given necessary training in the methods of

handling employees grievances. The Welfare Officers should associate a representative of the Staff Associations in welfare matters. The machinery for attending to the grievances of employees should act with expedition. (8.5.6)

48. A Welfare Council or Committee appointed in each office should attend to welfare matters, including the standards of cleanliness of the office, the canteens, etc. (8.6.2)

49. (1) The travel concession for visiting home town for the employees may be liberalized by making them eligible for it annually.

(2) Uniformity in the scale of travel concessions should be introduced as between railway servants and other employees by curtailing the concessions now permitted to railway servants.

(3) Reimbursement of the charges for the railway fares may be replaced by a warrant system. (8.7.4)

50. (1) Holiday homes for Government servants should be built at places of tourist interest.

(2) Government servants should be encouraged to take leave, so that they can relax and come back to their jobs refreshed. They should also be encouraged to take study leave for undergoing special training or

special refresher or other courses, to improve their skills and knowledge. (8.8.2)

51. (1) Fellowship activities aimed at removal of emotional barriers and at building up esprit de corps amongst civil amongst civil servants should be undertaken in a large way, such work being entrusted to people who have aptitude for such work and who are specially trained for the same. Central and State Governments should start and subsidize recreation centres where senior and junior civil servants can meet on a social plane.
- (2) Senior officials in supervisory positions should be entrusted specifically with the duty of organizing social and cultural activities, including conducted tours on week-end trips and so on. (8.9.2)

52. Facilities for recreation and sports for Government employees should be provided where sizeable number of Government employees are living, so that they keep their health and physical fitness unimpaired. (8.10.2)

53. (1) For the children of female Government employees, balwadies, creches and day nurseries should be established at convenient centres in Government colonies.
- (2) Women civil servants who resign their jobs before they become

entitled to retirement benefits, may be permitted to take up re-employment in suitable posts, subject to the condition that the period of break in the service does not exceed five years, and in that case, their past service should be taken into account for other service conditions, such as leave, pension, etc. They may also be given preference in appointments to part-time jobs under Government when they are otherwise qualified to hold these posts. (8.11.3)

54. Co-operative organisation among Government servants should be encouraged by giving facilities for formation of Government Consumer Co-operative Stores, House-building Societies, etc. (8.12.3)

55. Government employees should be given assistance in the matter of settling their problems, such as litigations, criminal cases in which they may be involved by such measures, as legal assistance on reasonable charges, furnishing sureties, loan from their Provident Fund, etc., as otherwise they will not be able to devote their full attention to their official duties and their image in the society may suffer thereby. (8.13.2)

56. Establishment matters, such as issue of leave orders, sanction of increments, etc. which affect the personal rights and conditions of

service of the employees should receive expeditious attention. The employees may seek the intervention of the Welfare Officers to avoid delays in settlement of such cases. (8.14.2)

57. (1) Opportunities through adult education programmes should be made available by Government to the employees to improve their skills and knowledge and their equipment for their official duties. Such opportunities to the families of the employees may also be provided for learning some special skill or trade.

(2) The Welfare Officers may also be trained in employee counselling and guidance through such adult education programmes. (8.15.5)

58. Employees who are required to do work connected with welfare programmes in addition to their normal duties, should be granted suitable extra remuneration. (8.16.2)

59. (1) The present pensionary and other post-retirement benefits may be replaced by an insurance scheme which will confer on the employees benefits on a scale not less than those available under the existing scheme.

(2) If the scheme of insurance in lieu of the present pension system is not accepted, the procedures for calculation and sanction of pension should

be radically simplified on the lines
indicated in para 8.17.14 (8.17.15).

60 The General Provident Fund Scheme may be
abolished; if this is not acceptable, it may be
replaced by a scheme of annuity deposit to be operated
by the Banks. (8.18.2)

61. Amounts of pension commutations, provident
fund interest, leave salary etc. should always be
expressed in whole rupees. (8.19.2).

Errata to the Report of the Study Team on Promotion Policies,
Conduct Rules. Discipline & Morale.

<u>Page</u>	<u>Line</u>	
8	18	<u>Insert</u> 'the' <u>between</u> 'to' and 'All'.
13	6	<u>For</u> 'seem' <u>read</u> 'seems'.
20	3	<u>For</u> 'were' <u>read</u> 'got'.
23	19	<u>For</u> 'set-bck' <u>read</u> 'set-back'.
24	16	<u>For</u> 'examinations' <u>read</u> 'examiners'.
33	1	<u>For</u> 'sclaes' <u>read</u> 'scales'.
37	16	<u>For</u> 'brough' <u>read</u> 'brought'.
37	23	<u>For</u> 'we' <u>read</u> 'they'.
43	23	<u>For</u> 'they' <u>read</u> 'the members of the I.C.S.'.
66	2	<u>For</u> 'participate' <u>read</u> 'anticipate'.
68	23	<u>Delete</u> 'a' <u>before</u> 'different'.
69	9	<u>For</u> 'in' <u>read</u> 'is'.
74	36	<u>Insert</u> 'above or' <u>between</u> 'are' and 'comparable'.
92	4	<u>For</u> 'higher' <u>read</u> 'promotion'.
92	12	<u>Insert</u> 'a' <u>between</u> 'that' and 'civil'.
96	24	<u>Insert</u> 'total' <u>between</u> 'the' and 'vacancies'.
103	29	<u>For</u> 'Five' <u>read</u> 'Ten'.
106	12	<u>Insert</u> 'and other' <u>between</u> 'psychometric' and 'methods'.
116	2	<u>For</u> 'consistant' <u>read</u> 'consistent'.
122	20	<u>For</u> '2.2.7' <u>read</u> '3.5.7'.
126	2	<u>For</u> 'jobs by' <u>read</u> 'jobs. By'.
130	3	<u>For</u> 'as far as possible' <u>read</u> 'eventually'.
134	11	<u>Insert</u> 'further' <u>between</u> 'much' and 'simplification'.
135	17	<u>For</u> 'their present' <u>read</u> 'the'.
148	11	<u>For</u> 'recommend' <u>read</u> 'requires'.
150	23	<u>Insert</u> 'a Govt. of India' <u>between</u> 'In' and 'Department', and <u>delete</u> 'Y' <u>occurring after</u> 'Department'.
151	9	<u>Delete</u> 'Y' <u>after</u> 'Department'.
184	3	<u>Insert</u> 'always' <u>between</u> 'not' and 'be'.
191	18	<u>For</u> 'A.' <u>read</u> 'A.I.R.'.
248	6	<u>For</u> 'inclined to know' <u>read</u> 'inclined, know'.
284	13	<u>For</u> 'distrtct' <u>read</u> 'district'.
284	31	<u>For</u> 'as' <u>read</u> 'in'.
288	15	<u>For</u> 'any' <u>read</u> 'an'.
292	8	<u>For</u> 'sever' <u>read</u> 'severe'.

331	14	<u>For</u> 'meeting' <u>read</u> 'meting'.
356	23	<u>Delete</u> 'should' <u>before</u> 'in'.
367	20	<u>For</u> 'complicity' <u>read</u> 'conflict of'.
403	26	<u>For</u> 'challans' <u>read</u> 'challan'.
422	17	<u>For</u> 'shortage' <u>read</u> 'storage'.
430	23	<u>Delete</u> 'that' <u>before</u> 'the'.
437	2	<u>Delete</u> 'a' <u>before</u> 'collective'.
540	4	<u>For</u> 'account' <u>read</u> 'the cost of pension'.
557	5	<u>Insert</u> 'persons of' <u>between</u> 'whereby' and 'merit'.
557	15	<u>For</u> 'and' <u>read</u> 'of'.
559	21	<u>For</u> 'imply' <u>read</u> 'merely'.
560	19	<u>For</u> 'obtaining' <u>read</u> 'marshalling'.
561	2	<u>For</u> 'people' <u>read</u> 'attitude' and <u>for</u> 'becomes' <u>read</u> 'make it'.